

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71229 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- MAIRWAN District- Siwan

1. Vijay Kumar @ Vijay Kumar Chaurasia Son of Chandrika Prasad Chaurasia R/o- Bichali Bazar, Mairwa, P.S.- Mairwa, District- Siwan
2. Anil Kumar @ Anil Kumar Chaurasia Son of Vijay Kumar Chaurasia R/o- Bichali Bazar, Mairwa, P.S.- Mairwa, District- Siwan
3. Arbind Kumar @ Arbind Kumar Chaurasia Son of Vijay Kumar Chaurasia R/o- Bichali Bazar, Mairwa, P.S.- Mairwa, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Mairwa P.S. Case No. 259 of 2021, registered on 29.08.2021, for the offences under Sections 341, 323, 324, 307, 379, 504 & 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons took away the goods from the shop of the informant and when the sons of the informant enquired from them, they were assaulted by the petitioners and other co-



accused persons with lathi, danda and other shaup weapons causing a number of injuries on the sons of the informant.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case and a case has earlier been lodged by co-accused Pankaj Kumar Chaurasia against the sons of the informant and in the said case Pankaj Kumar Chaurasia received grievous injury. The petitioners and informant side are agnates and there is land dispute and the dispute is also over the shop. The informant side is aggressor and the petitioners' side are defending themselves. The injuries received by the informant side are simple in nature. A number of co-accused persons have been granted anticipatory bail by a Co-ordinate Bench vide order dated 26.07.2022 passed in Cr. Misc. No. 68344 of 2021.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like



amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Siwan/concerned court in connection with Mairwa P.S. Case No. 259 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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