

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72071 of 2022

Arising Out of PS. Case No.-186 Year-2022 Thana- BAIRIYA District- West Champaran

1. AWADHLAL PRASAD SON OF LATE NATHUNI PRASAD R/O VILLAGE- DUMARIA, P.S.- BAIRIYA, DISTRICT- WEST CHAMPARAN
2. YADUNATH PRASAD @ YADUNATH SAH SON OF LATE NATHUNI PRASAD R/O VILLAGE- DUMARIA, P.S.- BAIRIYA, DISTRICT- WEST CHAMPARAN
3. BYAS PRASAD @ VYAS PRASAD SON OF RAMASHRAY PRASAD R/O VILLAGE- DUMARIA, P.S.- BAIRIYA, DISTRICT- WEST CHAMPARAN
4. GAUTAM KUMAR SON OF YADUNATH PRASAD @ YADUNATH SAH R/O VILLAGE- DUMARIA, P.S.- BAIRIYA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-02-2023 Heard learned counsel for the petitioners and learned APP
for the State.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner nos.2 and 3, as they have been apprehended by the police, during pendency of this application.

Prayer is allowed.

This application with regard to petitioner nos.2 and 3 is dismissed as withdrawn.



Now, it is being heard on behalf of petitioner nos.1 and 4.

Petitioners apprehend their arrest in a case registered for the offence punishable u/s 147/148/149/341/323/324/504/307/354/379 of the IPC.

Allegedly, all the F.I.R. named accused persons including the petitioners at the first instance abused the informant and thereafter on protest, she was assaulted by the accused persons.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to land dispute. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. For the alleged occurrence, there is case and counter-case between the parties and both sides have sustained injuries, which were simple in nature. In para-11 it is stated that an error of record came in the impugned order with respect to the nature of the injuries sustained by the prosecution side in as much as no members of the prosecution side has sustained any grievous injury. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case,



since the injuries are simple in nature, let the above named petitioner nos.1 and 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Bairiya P.S. Case No.186 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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