

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76230 of 2023**

Arising Out of PS. Case No.-69 Year-2023 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Md.Nasim Son Of Late Aharar @ Eharal Haque Resident Of Village- Chand Mohan, Ps- Kundwa Chainpur, Distt- East Champaran
 2. Md. Feroj Son Of Md. Naism Resident Of Village- Chand Mohan, Ps- Kundwa Chainpur, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Kundwa Chainpur P.S. Case No. 69 of 2023 dated 17.04.2023 registered for the offences punishable u/ss 341, 323, 324, 307, 379, 504, 506 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners are alleged to have assaulted on the head of the informant with *gada* and knife causing severe injury to him. Thereafter, the informant was taken to the hospital for treatment. It is further stated that the Md. Feroj snatched Rs. 20,000/- from the pocket



of the informant.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is land dispute between the parties. The petitioners are agnates of the informant of the present case. It is further submitted that the present case is counter case of Kundwa Chainpur P.S. Case No. 85 of 2023. As per injury report (Annexure-P/3) of the informant, the injury is simple in nature caused by sharp weapon. No case under Section 307 of the Indian Penal Code is made out against the petitioner. The allegation of theft is an ornamental. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances as well as the injury being simple in nature, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Sikarhana at Dhaka, East Champaran in connection with Kundwa Chainpur P.S. Case No. 69 of 2023,



subject to conditions as laid down under Section 438(2) of the
Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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