

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4946 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- PIPRAKOTHI District- East Champaran

1. Dukhit Rai S/O Late Sudama Rai VILLAGE- PANDITPUR, BADAGACHHI, PS. PIPRAKOTHI, DIST. EAST CHAMPARAN.
2. SUKRIT RAI @ SUKRIT PRASAD YADAV S/O LATE SUDAMA RAI VILLAGE- PANDITPUR, BADAGACHHI, PS. PIPRAKOTHI, DIST. EAST CHAMPARAN.
3. SURAT RAI S/O LATE BABURAM RAI VILLAGE- PANDITPUR, BADAGACHHI, PS. PIPRAKOTHI, DIST. EAST CHAMPARAN.
4. BINDESHWARI RAI S/O NAGINA RAI VILLAGE- PANDITPUR, BADAGACHHI, PS. PIPRAKOTHI, DIST. EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-02-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Piprakothi Police Station Case No. 114 of 2023, disclosing offences under Sections 147, 148, 149, 341, 323, 324, 325, 354, 379, 307, 447, 504, 506 of the Indian Penal Code.
3. As per the First Information Report, on 20.05.2023, petitioners, along with other accused persons arrived at the house of the informant and started abusing him. On



objection, petitioner No. 1 assaulted by means of farsa upon the brother of the informant, namely Shanker Prasad Yadav, due to which he sustained injury on his head. Other accused persons assaulted the informant by iron rod.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to previous enmity and land dispute between the parties. She further submits that both the parties are agnate and a counter case has also been lodged by the side of the petitioners against the informant and others bearing Piprakothi P.S. Case No. 113 of 2023. Referring to the injury report, at Annexure 3, learned counsel submits that injury No. 1 and 2 are simple, however, injury No. 3 is grievous in nature i.e., fracture on the middle finger which is not a vital part of the body.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are agnate, there is a land dispute between them, case and counter case are there, injuries are of simple nature except injury No. 3 which is on non-vital part of the body, I am inclined to grant the petitioner privilege of



anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, Dukhit Rai, Sukrit Rai @ Sukrit Prasad Yadav, Surat Rai, Bindeshwari Rai , in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Motihari, East Champaran, in connection with Piprakothi Police Station Case No. 114 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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