

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6388 of 2024

Arising Out of PS. Case No.-643 Year-2023 Thana- MUFFASIL District- West Champaran

1. Mantosh Yadav, Son of Late Chhathu Yadav,
 2. Nitesh Yadav @ Nilesh Yadav @ Lilesh Yadav, Son of Late Chhathu Yadav,
 3. Meena Devi, W/o Mantosh Yadav
- All are residents of Mohalla - Chhoti Chhawani Ward No. 27, P.S. - Bettiah Muffasil (Manuapul O.P.), Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Bettiah Muffasil Manuapul P.S. Case No. 643 of 2023, registered for the alleged offences under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 379, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, in the background of previous dispute, the petitioners and other co-accused persons assaulted the nephew of the informant and when the informant intervened, he was assaulted by the petitioner no.1 with iron 'daab' on his head. Other family members of the informant were



also assaulted and their ornaments were snatched by the assailants.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The present case is counterblast of Bettiah Muffasil Manuapul P.S. Case No.655 of 2023 lodged by the petitioner no.3 against the informant and 11 other persons of the informant's side. The allegation of giving '*daab*' blow against the petitioner no.1 is false as the injury report does not support the prosecution allegation as lacerated wound caused by hard and blunt object were found on the person of the informant and the injury was stated to be simple. The allegation against the petitioner nos. 2 and 3 are simply not believable. Allegation of assault on Nirmala Devi is against the co-accused Santosh Yadav. From the facts of the case, it is apparent that there is no application of Section 307 IPC and other offences are merely ornamental. The learned counsel further submits that the petitioner has got no criminal history, whereas the petitioner nos. 1 and 2 have got criminal history of three cases.

5. Learned APP vehemently opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the case and counter case between the parties in the background of previous dispute and further considering the non-corroborative injury and simple nature of the same, 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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Muffasil Mauapul P.S. Case No. 643 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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)

V.K.Pandey/-

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