

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.7843 of 2024

Arising Out of PS. Case No.-147 Year-2023 Thana- MOHAMMADPUR District- Gopalganj

1. KRISHNA SAH @ KRISHNA PRASAD SAH @ KRISHNA PRASAD S/O LATE JAGBHARAN SAH R/O VILLAGE- KABIRPUR, P.S- MOHMMADPUR, DISTT.- GOPALGANJ.
2. MANISH KUMAR S/O KRISHNA SAH @ KRISHNA PRASAD SAH @ KRISHNA PRASAD R/O VILLAGE- KABIRPUR, P.S- MOHMMADPUR, DISTT.- GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 4 26-04-2024
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 Mahammadpur Police Station Case No. 147 of 2023, dated 20.06.2023, disclosing offences punishable under Sections 341/323/304/504/34 of the Indian Penal Code.
 3. The prosecution case, as per the First Information Report, is that in the morning of 18.06.2023, when the aunt of the informant was grooming the courtyard, in the mean while, hot exchange of words took place between the



informant's aunt, namely, Kanti Devi and co-accused Chandrawati Devi. It has further been alleged that thereafter other co-accused persons arrived there and assaulted the informant's aunt, uncle and other family members. The petitioner no. 1 assaulted the informant and his uncle by means of tangi; whereas petitioner no. 2 assaulted the informant and his aunt by means of dab.

4. Learned Counsel for the petitioner submits that the petitioners have falsely been implicated in this case due to previous land dispute between the parties, who are agnates. He further submits that a counter case, bearing Mohammadpur Police Station Case No. 148 of 2023, has been lodged by the petitioner no. 1 against the informant and others. He further submits that co-accused Chandrawati Devi has been granted anticipatory bail by this Court, vide order, dated 20.02.2024, passed in Criminal Misc. No. 6725 of 2024.
5. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that the injury sustained by the uncle of the informant on his head, which is attributable to the petitioner no. 1, is grievous in nature.



6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the injury sustained by the aunt and the informant, which are attributable to the petitioner no. 2, are simple in nature, I am inclined to grant the petitioner no. 2 privilege.
7. Let the petitioner no. 2, Manish Kumar, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 7th Additional Chief Judicial Magistrate, Gopalganj, in connection with Mohammadpur Police Station Case No. 147 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.
8. So far as the petitioner no. 1, namely, Krishna Sah @ Krishna Prasad Sah @ Krishna Prasad, is concerned, considering the fact that he assaulted the uncle of the informant on his head by means of tangi, due to which he sustained grievous injury on his head, I am not inclined to grant him privilege of anticipatory bail.



9. This application is partly allowed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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