

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21096 of 2024

Arising Out of PS. Case No.-428 Year-2023 Thana- PAHARPUR District- East Champaran

1. Laddu Kumar @ Vicky Kumar S/o Dhanilal Mahto R/o Village- Sairya Bheidiharwa Tola, P.S.- Paharpur, Dist.- E. Champaran
2. Nawal Kumar S/o Sankar Mahto R/o Village- Sairya Bheidiharwa Tola P.S.- Paharpur, Dist. E.Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with
Paharpur P.S. Case No. 428 of 2023 dated 22.10.2023 instituted
for the offence punishable under Sections 341, 323, 324, 325,
307, 379, 504 /34 of the IPC.

3. As per prosecution case, on the order of co-accused,
Binod Pal, one another co-accused, Vikash Kumar assaulted the
brother of the informant, Ramchandra Sah with knife, due to
which, he sustained injury with oozing of blood. Another co-
accused, Nawal Kumar assaulted the brother of the informant
with Lathi and other accused persons also assaulted him.



Petitioner No.1, Laddu Kumar @ Vicky Kumar assaulted brother of the informant with iron rod and snatched gold chain from his neck.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have been falsely implicated in this case. Both sides are co-villagers. There was free fight between the parties and the informant is giving religious colour of the incident. The informant side had also assaulted the petitioners' side and injured them. It is submitted that petitioner no.2, Nawal Kumar had lodged an FIR against the informant and his family members bearing Paharpur PS Case No. 475/2023 (Annexure-2). Learned counsel next submits that from perusal of the impugned order, it is evident that brother of the informant, Ramchandra Sah has sustained one penetrating wound measuring 3" x 1/2" x muscle deep and the doctor has found scar of wound on abdomen and scar mark cut on the right wrist and nature of injury is grievous. It is further submitted that there is no mention about any injury caused by hard and blunt substance. The main allegation is against Vikash Kumar who assaulted the brother of the informant by means of knife. Lastly, it has been submitted that the petitioners have got no criminal antecedents.



5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Paharpur P.S. Case No. 428 of 2023, they will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

perwez

U		T	
---	--	---	--

