

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29343 of 2024

Arising Out of PS. Case No.-366 Year-2023 Thana- PURNEA SADAR District- Purnia

1. Kulbhusan Viaswas @ Bhusan Viswas, S/o Late Uma Nath Viswas, Resident of Village Shivanagar Khuskibagh, P.S.- Sadar Purnia, Distt. - Purnia
2. Raghubansh Viswas @ Raghubansh Kumar Viswas, S/o Kulbhushan Viswas @ Bhusan Viswas, Resident of Village Shivanagar Khuskibagh, P.S.- Sadar Purnia, Distt. - Purnia
3. Vikash Viswas @ Vikash Kumar, S/o Kulbhusan Visas @ Bhusan Viswas, Resident of Village Shivanagar Khuskibagh, P.S.- Sadar Purnia, Distt. - Purnia
4. Rukmani Devi, W/o Kulbhusan Viswas @ Bhusan Viswas, Resident of Village Shivanagar Khuskibagh, P.S.- Sadar Purnia, Distt. - Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Sadar P.S. Case No. 366 of 2023 for the offences under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners assaulted the informant when he scolded petitioner no.2 about smoke coming from his house and entering the house of the informant. The informant received eight stitches in his forehead due to



assault by the petitioners.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners and the informant are next door neighbours and due to altercation over smoke emanating from the house of the petitioners, the informant side assaulted the petitioner no.1 and for the said occurrence Sadar P.S. Case No. 367 of 2023 has been registered under Section 307 and other allied sections of IPC by the petitioners' side. There is a case and counter case between the parties and both sides have received injuries. Even the injury said to be received by the informant of this case was caused by one of his family members who was trying to attack the petitioners. The petitioners are having clean antecedent.

5. Learned A.P.P. appearing on behalf of the State 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 and further considering the petitioners and the informant are neighbours and also considering the clean antecedent of the petitioners, let the petitioners, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Purnia/concerned court in connection with Sadar P.S. Case No. 366 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other 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)

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