

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34658 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

1. Kanhaiya Prasad Kesari @ Kanhaiya Pd. Kesari @ Kanhaiya Prasad S/o-
Hiralal Sah @ Hiralal Kesari R/O Village- Gandhi Nagar, Near Pokhra, P.S.-
Town Motihari, District- East Champaran
2. Krishna Prasad Kesari @ Krishna Pd. Kesari son of Hiralal Sah @ Hiralal
Kesari R/O Village- Gandhi Nagar, Near Pokhra, P.S.- Town Motihari,
District- East Champaran
3. Vikky Kumar son of Kanhaiya Prasad Kesari @ Kanhaiya Pd. Kesari @
Kanhaiya Prasad R/O Village- Gandhi Nagar, Near Pokhra, P.S.- Town
Motihari, District- East Champaran
4. Rinku Kumar @ Rohit @ Rohit Kesari @ Rinku @ Rohit Kumar son of
Kanhaiya Prasad Kesari @ Kanhaiya Pd. Kesari @ Kanhaiya Prasad R/O
Village- Gandhi Nagar, Near Pokhra, P.S.- Town Motihari, District- East
Champaran
5. Ravi Kumar @ Ravi Kumar Kesari son of Chandeshwar Prasad Kesari @
Chandeshwar Pd. Kesari R/O Village- Miskaut Ps- Town Motihari Dist- East
Champaran
6. Md. Irfan son of Late Md. Sakur Miyan R/O Village- Khoda Nagar W.No-
13, Ps- Chhatauni Dist- East Champaran
7. Md. Chhotu @ Auzar Anjum @ Chhotu son of Md. Sattar R/O Village-
Khoda Nagar W.No-13, Ps- Chhatauni Dist- East Champaran
8. Md. Faisal @ Faisal Alam son of Md. Tanik R/O Village- Khoda Nagar
W.No-13, Ps- Chhatauni Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 24-07-2024 1. Heard learned counsel for the petitioners and learned
A.P.P. for the State.
2. The petitioners apprehend their arrest in connection
with Motihari Town P.S. Case No. 95 of 2024, dated 08.02.2024



registered for the offences punishable under Sections 341, 323, 504, 506, 307 and 427/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners no. 1, 2, 3, 5, 6, 7 and 8 are persons with clean antecedent and petitioner no. 4 has antecedent of one case and the informant alleges that on account of rivalry in between the side of the petitioners and the informant regarding customer who had approached the shop of the informant for getting her cooker repaired. The occurrence took place as the side of the petitioners wanted the customer to come to their shop. It is further alleged that on the orders of Kanhaiya Prasad Kesari (petitioner no. 1), Rinku Kumar (petitioner no. 4) and Md. Faisal (petitioner no. 8) caught the informant and Vikky Kumar (petitioner no. 3) assaulted by reti causing injury on his right eyebrow. Thereafter, Md. Irfan (petitioner no. 6) and Krishna Prasad Kesari (petitioner no. 2) assaulted the informant by an iron pipe on his shoulder and elbow respectively causing injury. Further, Rinku Kumar (petitioner no. 4) assaulted the informant by hammer causing injury below his left eye.

4. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that on account of rivalry relating to business the occurrence is alleged to have taken place. It is further submitted that no doubt,



allegation of assault is there and the informant specifically even alleges that who assaulted him and by what but then submits that from perusal of the order impugned, it would manifest that the learned Sessions Judge while rejecting the anticipatory bail application of the petitioners has recorded in detail the injury suffered by the injured but then the nature of injury has not been recorded which amply demonstrates that the injuries were not grievous, though some of the injuries are on vital part of the body. It is next submitted that few days earlier the informant along with his associates had come to the shop of the petitioner no. 1 with an intention to dispossess him, accordingly, an altercation had taken place and the petitioner no. 1 was assaulted and the occurrence was captured in the CCTV footage. Further, the informant was continuously trying to disturb the petitioner no. 1 from running his shop, as such, petitioner no. 1 instituted Motihari Town P.S. Case No. 94 of 2024 under Sections 341, 323, 504, 307, 506, 427 and 379/34 of the Indian Penal Code. It is further submitted that all the petitioners are persons with clean antecedent, except one i.e. petitioner no. 4 who has antecedent of one case. It is next submitted that petitioners will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Motihari Town P.S. Case No. 95 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

8. Let a copy of this order be sent to the concerned police station through the learned court below.

(Satyavrat Verma, J)

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