

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32936 of 2024

Arising Out of PS. Case No.-509 Year-2023 Thana- SUGAULI District- East Champaran

1. Dhrup Sah Son of Late Dhela Sah @ Dela Sah, R/o Village -Sukul Pakad Belwatiya PS -Sugauli Dist- East Champaran
2. Birju Kumar Son of Dhrup Sah, R/o Village -Sukul Pakad Belwatiya PS -Sugauli Dist- East Champaran
3. Sushil Kumar @ Sushil Sah Son of Bhukhal Sah, R/o Village -Tegrhiya, P.S. Gopalpur, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Chaudhary, Adv.
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-05-2024 Heard Mr. Anand Kishore Chaudhary, learned counsel for the petitioners and Mr. Nirmal Kumar Sinha, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Sugauli P.S. Case No. 509 of 2023 registered for the offences punishable under Sections 447, 341, 323, 354, 307, 504 and 506/34 of the Indian Penal Code.

3. Allegedly, while the daughter of the informant was standing at her *darwaja*, the accused persons came there and started abusing her. On protest being made, the accused persons also assaulted the informant and her daughter due to which they



sustained injury.

4. Learned counsel for the petitioners drawing attention of this Court to the FIR, submitted that no specific allegation has been levelled against any of the accused persons, including the petitioners. Moreover, both the parties are agnates and because of some trifle they entered into a free fight resulting into lodging of case and counter case being Sugauli P.S. Case No. 510 of 2023 filed by petitioner no.1 against the informant's family. It is further contended that the impugned order also does not discuss about the nature of injury and thus it appears that the same has been found to be simple in nature. It is lastly contended that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that both the informant and her daughter have sustained injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the parties are agnates, coupled with the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender



before the learned Court below within a period of four weeks from today, 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, Motihari in connection with Sugauli P.S. Case No. 509 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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