

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44937 of 2024

Arising Out of PS. Case No.-152 Year-2023 Thana- NAUTAN District- West Champaran

1. Prakash Kumar S/o Amerika Prasad @ Amrika Kushwaha @ Amrika Prasad R/o Village-Vishunpura, Hardipatti, P.S.-Nautan, District-West Champaran
2. Amerika Prasad @ Amirka Kushwaha @ Amirka Prasad S/O- Late Sunraman Prasad R/o Village-Vishunpura, Hardipatti, P.S.-Nautan, District-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-07-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Nautan PS case no. 152 of 2023, disclosing offences punishable under Sections 341, 323, 447, 448, 354(B), 379, 427, 504/34 of the Indian Penal Code.
3. The prosecution story, as per the Fardbeyan of the informant dated 14.04.2023, is that on 09.04.2023 at about 4.30 pm, petitioners along with other accused persons armed with lathi, danda and other weapons arrived at the door of the informant and started breaking the container of grains. When the informant and her daughter objected, petitioner no. 1 abused



them, he assaulted the informant on her back and waist with iron rod and thereafter, he undressed the informant's daughter. Other accused persons took away the jewellery and assaulted informant and her daughter, due to which, they sustained injuries.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of false and fabricated story. Learned counsel further submits that both parties are agnates and there is previous dispute between them regarding the claim of share in the properties. He also submits that on 09.04.2023, the informant's side forcibly entered into the house of the petitioners and the husband of the informant assaulted petitioner no. 2 on his head and snatched some money from his pocket, for which, Nautan PS case no. 180 of 2023 dated 09.05.2023 was lodged against the informant and other family members. Lastly, it is submitted that no serious injury has been caused to the informant and her daughter.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that both parties are agnates, there is partition dispute between them, case and counter case is going on between them as also



considering the fact that the informant and her daughter have not sustained any serious injury, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Nautan PS case no. 152 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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