

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47435 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- MAHARAJGANJ District- Siwan

1. Moon Moon Gandhi Son of Jagannath Thakur @ Jagarnath Thakur @ Jagnath Thakur R/O Vill.- Bangra, P.S.- Maharajganj, Dist.- Siwan
2. Jhunmun Gandhi Son of Jagannath Thakur @ Jagarnath Thakur @ Jagnath Thakur R/O Vill.- Bangra, P.S.- Maharajganj, Dist.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 325, 427, 504, 506/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submit that petitioners are persons with clean antecedent and the informant alleges that he along with his mason Munna Mian and labourer Santosh Manjhi was involved in construction work of his new house on 10.02.2024, when the petitioners came variously armed and Moon Moon Gandhi assaulted the mason by an iron rod causing injury on his hand and head and Jhunmun Gandhi



assaulted the informant by an iron rod causing injury on his nose and head and they also demolished the newly constructed wall, causing damage of Rs. 15,000/-.

4. The learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that on account of construction of the house, a dispute arose on account of which the occurrence is alleged to have taken place. It is also submitted that no doubt it is alleged that Moon Moon Gandhi assaulted the mason by an iron rod causing injury on head and the injury suffered by the mason is said to be grievous, but then is on non-vital part of the body. It is also submitted that the injury suffered by the informant is simple in nature as would manifest from the injury report of the injured (*Annexure-2* to the anticipatory bail application). It is next submitted that petitioners are not criminals.

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 trial court 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 trial court where the case is pending/successor court in connection with Maharajganj P.S. Case No. 39 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the instant anticipatory bail application stands allowed.

Sudhanshu/Rishabh

(Satyavrat Verma, J)

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