

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49128 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- CHOUTARWA District- West Champaran

1.

BHIKHAM RAM SON OF LATE SHANKAR RAM R/O- VILLAGE-
LAXMIPUR, P.S.- CHAUTRWA, DISTT.- WEST CHAMPARAN
2.

SUNIL KUMAR SON OF BHIKHAM RAM R/O- VILLAGE-
LAXMIPUR, P.S.- CHAUTRWA, DISTT.- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhitabh Kumar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2

21-08-2024

1.

At the very outset, learned counsel for the petitioners submits that during pendency of this anticipatory bail application, the petitioner no. 1 / Bhikham Ram has been arrested and granted regular bail. As such, he seeks permission to withdraw the prayer for anticipatory bail in respect of the petitioner no. 1.

2.

Permission is granted.

3.

Accordingly, the application is dismissed as withdrawn insofar as the petitioner no. 1 – Bhikham Ram is concerned.

4.

Heard the parties.

5.

The remaining petitioner no. 2 – Sunil Kumar apprehends



his arrest in connection with Chautarwa P.S. Case No. 22 of 2024 dated 28.01.2024 registered under Sections 341, 323, 324, 307, 379, 504, 506, 354(B) / 34 of the I.P.C.

6. As per the First Information Report on 23.01.2024 while the informant was constructing road near her house as per the direction of the competent authority, her neighbour- Bhikham Ram along with petitioner no. 2 and other accused persons abused and assaulted her. It has been alleged that while Bhual Ram came to intervene in the matter, the petitioner no. 2 assaulted him by means of iron rod on his right hand.

7. Learned counsel for the petitioner submits that both the parties are neighbours and there is case and counter case inasmuch as Chautarwa P.S. Case No. 21 of 2024 has been lodged by the petitioner no. 1 / Bhikham Ram in which all the accused persons have been granted anticipatory bail. He next submits that injuries caused to the informant and others are simple in nature.

8. Regard being had to the submission made by the parties, taking into consideration the fact that there is case and counter case, both the parties are neighbours, injuries caused to the victim are simple in nature and the allegation against the petitioner no. 2 is of assault upon the right hand of the victim, as



such, I am inclined to grant anticipatory bail to the petitioner no. 2.

9. Let the petitioner no. 2, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Chautarwa P.S. Case No. 22 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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