

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49820 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- KOTWA District- East Champaran

1. Mohan Prasad Yadav @ Mohan Rai S/o Rambabu Rai R/o Village- Pokhra, P.S.- Kotwa, District- East Champaran
2. Haresh Prasad Yadav @ Haresh Yadav Son of Rambabu Rai R/o Village- Pokhra, P.S.- Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Uday Singh
For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 21-08-2024 1. Heard learned Counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant.
2. This application, for grant of anticipatory bail, arises out of Kotwa Police Station Case No. 55 of 2024 (G.R. No. 1034 of 2024), dated 29.02.2024, disclosing offences under Sections 341/323/324/325/307/379/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 25.02.2024, while the informant and others were sleeping in their house, the petitioners, along with other co-accused persons, arrived there, armed with tangi, farsa, iron rod, lathi, etc. and upon orders of co-accused Sarita Devi they started assaulting the informant and other



family members. Petitioner no. 1 assaulted the informant by means of farsa due to which he sustained injury on his head and finger. When the father of the informant intervened, the petitioner no. 2 assaulted him by means of tangi causing injury on both legs.

4. Learned counsel for the petitioners submits that the petitioners and informant are own brothers and they have falsely been implicated in the present case due to land dispute inasmuch as partition suit is pending between them. He next submits that counter case, bearing Kotwa Police Station Case No. 54 of 2024, has also been lodged by the side of the petitioners against the informant and others. He further submits that injuries caused to the informant over right parietal region of head, right toe and left hand are by hard and blunt substance and are simple in nature. Insofar as injury caused to the informant's father, lacerated wound has been found and opinion of the doctor has been kept reserved.
5. Learned counsel for the informant opposes the prayer for bail and submits that injury caused to the informant are on vital parts of the body and injury caused to the informant's father is serious in nature and opinion of the



doctor has been kept reserved.

6. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the petitioners and informant are own brothers having land dispute, case and counter case is also there and injuries caused to the victims are simple in nature and are not on the vital parts of the body, I am inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioners, above named, 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 Additional Chief Judicial Magistrate-X, Motihari, East Champaran, in connection with Kotwa Police Station Case No. 55 of 2024 (G. R. No. 1034 of 2024), subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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