

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55297 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- Kumarbagh District- West Champaran

1. Laddu Kumar, S/o Lalbabu Sah, R/o vill - Rampurwa, ward no. 4, Kumarbaag, Chuhari, P.S. - Kumarbaag, Distt. - West Champaran
2. Ratan Kumar, S/o Lalbabu Sah, R/o vill - Rampurwa, ward no. 4, Kumarbaag, Chuhari, P.S. - Kumarbaag, Distt. - West Champaran
3. Kanhaiya Kumar, S/o Lalbabu Sah, R/o vill - Rampurwa, ward no. 4, Kumarbaag, Chuhari, P.S. - Kumarbaag, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Khushi Awadh, Advocate

For the Opposite Party/s : **Mr. Arun Kumar Singh, Advocate**

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 17-12-2024 Heard Ms. Khushi Awadh, learned Advocate
appearing on behalf of the petitioners and the learned Additional
Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Kumarbaag P.S. Case No. 04 of 2024, registered for the offences punishable under Sections 341, 323, 326A, 504 and 34 of the Indian Penal Code.

3. Based upon the *fard beyan* the prosecution alleges that the informant having heard some commotion, rushed to the place and found that the petitioner no. 1 and 2 were abusing his son. After some altercation, the petitioners alongwith some



unknown persons came there and started assaulting the informant and his son. In the meanwhile, the petitioner no. 1 held the neck of the informant, who was having a bottle filled with acid. It is specifically alleged that the petitioner no. 1 poured acid over the hands of the informant, due to which he sustained acid burn injury on his body.

4. Learned Advocate appearing on behalf of the petitioners contended that in fact the present case is nothing but a counterblast to Kumarbaag P.S. Case No.03 of 2024, instituted by the petitioner no. 1 against the present informant alongwith others. On the alleged fateful day on account of a dispute arising out of money transaction, both the parties have entered into a free fight resulting into injuries to persons of both the sides, however, the prosecution has failed to explain the injury to the persons of the petitioners. It is also contended that in fact, it is the informant and others who caught hold of petitioner no. 1 and they tried to throw acid on him and in course of scuffle, the petitioner no. 1 alongwith the informant and others also received burn injury, as would be evident from Annexure P/2. It is lastly contended that be that as it may, both the parties have entered into a compromise and tried to settle the matter and they do not want to pursue the litigation.

5. On the other hand, learned Advocate for the State



opposed the pre-arrest bail application and submits that apart from the fact that the offence alleged in the FIR is not compoundable; it is also the fact that the injured person has received grievous injury.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter-case, coupled with the dispute arising out of money transaction as also the fact that injury has caused to both the petitioner no. 1 and the informant and his wife, let the petitioners above named be released on bail, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Chief Judicial Magistrate, Bettiah, West Champaran in connection with Kumarbaag P.S. Case No. 04 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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