

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58744 of 2023

Arising Out of PS. Case No.-187 Year-2023 Thana- BABUBARHI District- Madhubani

SHIV KUMAR RAM S/o- LATE MANGAL RAM Village- Tirhuta Ps-
Babubarhi Dist- madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Malendu, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP
For the informant	:	Mr. Shankar Kumar Thakur, Advocate
	:	Mr. Prabhakar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 27-02-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Babubarhi PS case no. 187 of 2023, disclosing offences punishable under Sections 341, 323, 307, 504/34 of the Indian Penal Code.
3. The prosecution story, as per the First Information report, is that on 17.06.2023 in the night, when the informant was sitting at his home, the petitioner broke open the door, entered into the house of the informant and attacked the informant by means of farsa, due to which, he sustained injuries on his head. It has further been alleged that wife and children of informant were also assaulted by lathi and danda.



4. Learned Counsel for the petitioner submits that petitioner and informant are own brothers. He further submits that an F.I.R. has also been lodged by the petitioner for an occurrence, which has taken place on the same day and time bearing Babubarhi PS case no. 186 of 2023 against the informant and others, which is prior in time to the present F.I.R. Referring to Annexure-2, learned counsel submits that all injuries caused to the informant are simple in nature.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that the petitioner is in habit of assaulting the informant and his family members due to the fact that the mother of the petitioner and informant is residing with the informant.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are full brothers and F.I.R. has also been lodged by the petitioner against the informant and others, injuries caused to the informant are simple in nature, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his



arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Madhubani in connection with Babubarhi PS case no. 187 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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