

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65593 of 2024

Arising Out of PS. Case No.-273 Year-2023 Thana- PAHARPUR District- East Champaran

1. Chandan Sah @ Chanar Sah Son of Mushar Sah R/o Village-Tejpura Pandey Tola, P.S.- Sonwal, District- East Champaran
2. Gauri Sah @ Gaurishankar Sah Son of Bunnilal Sah R/o Ward No. 02, Khairwa Chaube Toli, P.S.- Paharpur (Malahi), District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Adv.

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 05-10-2024 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in connection with Paharpur (Malahi) P.S. Case No. 273 of 2023 dated 16.07.2023, lodged under Sections 341, 323, 324, 307, 504, 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against 8 named accused persons including the present petitioners against whom there is an allegation that they have assaulted the informant and her brother due to which they sustained injury.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that in the FIR, there is no allegation against petitioner no.1 save and except his name is there in the



FIR, whereas, against petitioner no.2, the allegation is that he caught the informant and subsequently, attacked the informant's brother due to which injury took place. Counsel submits that the criminal antecedent of the petitioners are clean. Counsel further submits that both the informant and the petitioners are resident of same village and are well known to each other and due to dirty village politics, scuffling took place between both the parties. Counsel submits that for the same date and place of occurrence, there is case and counter case i.e. one case has been lodged from the informant's side bearing Paharpur (Malahi) P.S. Case No. 273 of 2023 and one case has been lodged from the petitioner's side bearing Paharpur (Malahi) P.S. Case No. 272 of 2023.

5. Learned Counsel for the petitioners further submits that he has annexed the injury report of the informant and her brother *vide* Annexure-P/3 series and from the said injury report, it transpires that the injuries caused to the informant and her brother are simple in nature.

6. Learned APP for the State opposes the prayer for bail of the petitioners.

7. As such, considering the aforesaid facts and circumstances, let the above named petitioners be released on



bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, East Champaran in connection with Paharpur (Malahi) P.S. Case No. 273 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

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