

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66625 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- BANJARIA District- East Champaran

1. Laxaman Sah @ Laxaman Prasad @ Laxuman Sah S/O Late Manori Sah R/O Village- Gobari, P.S.- Banjariya District- East Champaran
2. Vikki Kumar S/O Laxaman Sah @ Laxaman Prasad @ Laxuman Sah R/O Village- Gobari, P.S.- Banjariya District- East Champaran
3. Vikash Kumar S/O Laxaman Sah @ Laxaman Prasad @ Laxuman Sah R/O Village- Gobari, P.S.- Banjariya District- East Champaran
4. Vivek Kumar S/O Laxaman Sah @ Laxaman Prasad @ Laxuman Sah R/O Village- Gobari, P.S.- Banjariya District- East Champaran
5. Anita Devi @ Anata Devi @ Anato Devi W/O Laxaman Sah @ Laxaman Prasad @ Laxuman Sah R/O Village- Gobari, P.S.- Banjariya District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 08-10-2024 1. Heard learned counsel for the petitioners and the learned APP for the State.
2. The petitioners apprehend their arrest in connection with Banjariya P. S. Case No. No. 46 of 2024 dated 08.04.2024 registered for the offence(s) punishable under Section(s) 341, 323, 307, 354, 379, 504 read with Section 34 of the Indian Penal Code.
3. The main submissions advanced by the learned counsel for the petitioners are that the informant and the



petitioner no.1 are real brothers and the alleged occurrence relates to simple *marpeet* which is said to have taken place on account of informant's habit of drinking alcohol and against the petitioner nos.1, 3, 4 and 5 there is no specific allegation in respect of alleged assault though against the petitioner no.2 there is specific allegation of having assaulted at the head of informant by means of *tanguli* (axe) but on the frontal part of the head of the informant only one lacerated wound in the size of 3 cm x muscle deep was found and the same has been opined to be simple in nature caused by a hard and blunt object and further as per the allegation the petitioner no. 2 is alleged to have assaulted the informant repeatedly by said axe but only one simple injury was found upon the frontal part of his head and the said medical opinion shows that the informant exaggerated the allegations in the FIR. It is further submitted that all the petitioners have fair and clean antecedent and the alleged occurrence is not said to have been committed in a planned manner.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioners.

5. Considering the facts and circumstances of this case as well as above submissions and taking into account the



genesis of the occurrence coupled with the nature of the injury found on the person of the informant and also the fair and clean antecedent of the petitioners, this court is inclined to grant the relief of anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Banjariya P. S. Case No. No. 46 of 2024 on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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