

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65631 of 2023

Arising Out of PS. Case No.-392 Year-2023 Thana- SIKARPUR District- West Champaran

ADITYA KUMAR @ ADITYA PRASAD son of Chandra Shekhar Prasad
Village- Majhariya W.No-7, Ps- Shikarpur Dist- W.Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 66026 of 2023

Arising Out of PS. Case No.-392 Year-2023 Thana- SIKARPUR District- West Champaran

CHANDRA SHEKHAR PRASAD S/O LATE TEGA PRASAD R/O
VILLAGE- MAJHARIYA, WARD NO. 7, P.S- SHIKARPUR, DISTT.-
WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 65631 of 2023)
For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP
For the Informant : Mr. Ashok Kumar Gupta, Advocate
(In CRIMINAL MISCELLANEOUS No. 66026 of 2023)
For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP
For the Informant : Mr. Ashok Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 27-02-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel

for the petitioner in both the cases and Mr. Ashok Kumar Gupta

learned counsel for the informant as also the APP.

2. The petitioner is apprehending his arrest in
connection with Shikarpur P.S. Case No. 392 of 2023 for the



offence under Sections 341, 323, 324, 307, 504, 506 and 34 of the I.P.C. lodged on 11.03.2023 by the informant, Hajari Prasad.

3. As per the prosecution story, the allegation in the FIR is that while he was busy storing the grains in the courtyard, his agnate Ragani Kumari started abusing and as the matter escalated, the accused persons armed variously came and further allegation against both the petitioners is/are of assaulting one Vikash Kumar causing injuries to him. The allegation is of use of *farse* and knife by the two petitioners herein.

4. As the injury report of Reshma Devi was found to be simple in nature and other injuries were not available the coordinate Bench on 18.10.2023 had called for the injury report.

5. On 08.12.2023, this Court also wanted to look into the injury report and accordingly an order was passed to provide the injury report of Vikash Kumar and Hajari Prasad (informant).

6. The same is on record and though the injury report of Hajari Prasad has been found to be simple in nature, so far as Vikash Kumar is concerned, the nature of the injury has been found to be grievous.

7. In that background, it would be appropriate that both the petitioners seek bail after surrendering before the



concerned Court.

8. The anticipatory bail application stands rejected.

9. In view of the fact that both the petitioners were given interim protection by the coordinate Bench on 18.10.2023, in case both of them or either of two surrender before the concerned Court within a period of four weeks from today, the interim protection will continue till an order is passed. It is made clear that the interim protection has been extended only for four weeks considering that they were granted the said protection earlier on.

10. If they surrender within four weeks, the same shall be taken up and if possible be disposed of on the same day.

(Rajiv Roy, J)

Adnan/-

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