

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68694 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- RAFIGANJ District- Aurangabad

1. Sunder Chauhan @ Sunder Nonia @ Sundar Kumar Mahto S/o- Late Madhu Mahto Village- Majhua PS-Muffasil District- Purnia
2. Girja Chauhan S/o- Lal Mohan Chauhan @ Lalmohan Noniya Village- Raza Bigha Pul, Nonia Tola PS- Rafiganj District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.
Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Rafiganj P.S. Case No. 101 of 2024 registered for the offences punishable under Sections 307, 379, 341, 323, 504, 506, 34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused persons including the present petitioners is of assaulting the Informant and his son by means of sticks, *Kudal* and *Sawals*.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case.



The present case is the counter blast of Rafiganj P.S. Case No. 99 of 2024 lodged by the wife of the petitioner no.1 against the prosecution party. He further submits that though the injury sustained by the Informant is grievous in nature but, the injury inflicted upon the son of the Informant is simple in nature. He further submits that there is no repetition of blow by the petitioners and, hence, no case under Section 307 of the I.P.C. is made out. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners, stating that the offence alleged against the petitioners is serious in nature. He further submits that there is direct allegation of assault against the petitioner no.2 by *Sawals* upon the head of the Informant due to which he sustained grievous injury. The petitioner no.1 has also assaulted upon the hand of the Informant's by means of *Kudal*.

6. Considering the injury sustained by the Informant's son, being simple in nature, let the petitioner no.1, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Rafiganj P.S. Case No. 101 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, there being direct allegation against the petitioner no.2 of assault by *Sawals* upon the head of the Informant due to which he sustained injury which is grievous in nature, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no.2.

8. Accordingly, the prayer for anticipatory bail of the petitioner no.2, above named, is rejected. If he surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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