

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72298 of 2024

Arising Out of PS. Case No.-239 Year-2020 Thana- KESARIA District- East Champaran

1. Sunil Kumar Son of Mankeshwar Prasad Singh R/O Vill.- Khizirpura, Ward no. 1, P.S.- Keshariya, Dist.- East Champaran, Motihari
2. Rudal Kumar @ Ram Kumar Son of Jagarnath Prasad R/O Vill.- Khizirpura, Ward no. 1, P.S.- Keshariya, Dist.- East Champaran, Motihari
3. Bhagnarayan Prasad Son of Jagarnath Prasad R/O Vill.- Khizirpura, Ward no. 1, P.S.- Keshariya, Dist.- East Champaran, Motihari
4. Krishna Prasad Son of Bhagnarayan Prasad R/O Vill.- Khizirpura, Ward no. 1, P.S.- Keshariya, Dist.- East Champaran, Motihari
5. Vicky Kumar Son of Bhagnarayan Prasad R/O Vill.- Khizirpura, Ward no. 1, P.S.- Keshariya, Dist.- East Champaran, Motihari
6. Raju Kumar @ Raju Kumar Son of Bhagnarayan Prasad R/O Vill.- Khizirpura, Ward no. 1, P.S.- Keshariya, Dist.- East Champaran, Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending arrest in connection with Keshariya P.S. Case No. 239 of 2020 registered for the offences punishable under Sections 147, 341, 323, 324, 379, 307, 447, 354, 504, 506 of the Indian Penal Code.

3. As per prosecution case, there is allegation



against petitioner no. 1, Sunil Kumar, who is said to have assaulted Tuntun Sah by means of Dab. Petitioner no. 2, Rudal Kumar @ Ram Kumar is said to have assaulted Prakash Kumar (son of the informant) by means of Farsa. Petitioner no. 3, Bhagyanarayan Prasad is alleged to have assaulted husband of the informant by means of Garasa. Petitioner no. 4, Krishna Kumar is said to be the member of the mob. Petitioner nos. 5 & 6 namely, Vicky Kumar & Raju Kumar @ Raja Kumar are said to have entered into the house and took away Rs. 20,000/- and jewelry worth rupees fifty thousand.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the first information report. There is case and counter case between the parties for the same date of occurrence. Petitioner no. 6, Raju Kumar @ Raja Kumar has lodged earlier F.I.R. on 11.06.2020 vide Keshariya P.S. Case No. 234 of 2020, as contained in Annexure-P/2, and the present case is nothing but counter blast of the aforesaid case lodged by petitioner no. 6. Learned counsel further submits that though the alleged occurrence took place on 08.06.2020, but the present F.I.R. has been lodged on 13.06.2020 after delay of 5 days and reason of delay has not been explained which questions the authenticity of



the F.I.R. There is no allegation of repeated blow against any of the petitioners. The doctor found the injuries sustained by Tuntun Sah, Prakash Kumar and Vivek Kumar to be simple in nature as is evident from the Injury Report, as contained in Annexure-P/3. Learned counsel submits that in the light of aforesaid facts and circumstances of the case, no offence is made out under section 379, 307 and 354 I.P.C. and all the sections have been added merely to make the offence graver. Petitioners and informant are next door neighbour and on account of enmity between the petitioners and the informant, petitioners have been falsely implicated in this case. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, there is case and counter case between the parties, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two



sureties of the like amount each to the satisfaction of Chief
Judicial Magistrate, Motihari, East Champaran in connection
with Keshariya P.S. Case No. 239 of 2020, subject to the
conditions as laid down under section 438(2) of the Code of
Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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