

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78431 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- PHULPARAS District- Madhubani

1. AMIT KUMAR SAH @ AMIT SAH @ AMIT KUMAR RAUSHAN SON OF RAM NARAYAN SAH RESIDENT OF VILLAGE- KALAPATTI BARHI, P.S.- PHULPARAS, DISTRICT- MADHUBANI.
2. RAM NARAYAN SAH SON OF SAGAR LAL RESIDENT OF VILLAGE- KALAPATTI BARHI, P.S.- PHULPARAS, DISTRICT- MADHUBANI.
3. SHIV NANDAN SAH SON OF UTTIM LAL SAH RESIDENT OF VILLAGE- KALAPATTI BARHI, P.S.- PHULPARAS, DISTRICT- MADHUBANI.
4. HIRA LAL SAH @ HIRA LAL SAHU SON OF MISHRILAL SAH RESIDENT OF VILLAGE- KALAPATTI BARHI, P.S.- PHULPARAS, DISTRICT- MADHUBANI.
5. HARI LAL SAH @ HARI LAL SAHU SON OF HIRA LAL SAH RESIDENT OF VILLAGE- KALAPATTI BARHI, P.S.- PHULPARAS, DISTRICT- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-01-2024

1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Phulparas PS Case No. 13 of 2023, G.R. No. 36 / 2023 dated 08.01.2023 registered under Sections 341, 323, 324, 307, 379, 427, 504 , 506, 34 of the I.P.C.

3. As per the prosecution case on 28.12.2022 in the morning the petitioner no. 4 / Hira Lal Sah along with other accused persons arrived at the residence of the informant and



told her to withdraw the case and when the informant demanded her mobile phone and other articles back, the accused persons assaulted the informant. It has been alleged that petitioner no. 4 assaulted the informant by means of *farsa* on her head.

4. Learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged and both the parties are agnates. There is a dispute between them from before and counter case has also been lodged by the petitioner no. 4 bearing Phulparas PS Case No. 589 of 2022. He next submits that injury caused to the informant is simple in nature as would be evident from the injury report annexed at Annexure -P/3 to the supplementary affidavit. Learned counsel further submits that injury caused to the petitioner no. 4 is grievous in nature as would be evident from Annexure- P/4 of the supplementary affidavit, which is the injury report of petitioner no. 4.

5. Regard being had to the submission made by the parties, taking into consideration the nature of dispute and the fact that injury caused to the informant is simple in nature and there is case and counter case between the parties, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on



anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M. II, Jhanjharpur, District Madhubani in connection with Phulparas PS Case No. 13 of 2023, G.R. No. 36 / 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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