

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75057 of 2023

Arising Out of PS. Case No.-211 Year-2023 Thana- MINAPUR District- Muzaffarpur

1. MAUJE PRASAD @ MAUJELAL PRASAD son of Late Munshi Lal Prasad Village- Fulwariya Ps- Minapur Dist- Muzaffarpur
2. Kishuni Das @ Krishnadeo Prasad son of Late Bhola Prasad Village- Fulwariya Ps- Minapur Dist- Muzaffarpur
3. Dhiraj Kumar son of Parshuram Prasad Village- Fulwariya Ps- Minapur Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate
For the State	:	Mr. Anil Kumar Singh No. 1, APP
For the Informant	:	Mr. Krishna Kant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-03-2024 Heard Mr. Surendra Kishore Thakur, learned Counsel for the petitioners and Mr. Krishna Kant Singh, learned Counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in connection with Minapur P.S. Case No. 211 of 2023 for the offence registered under sections 147, 148, 149, 341, 323, 325 and 307 of the Indian Penal Code lodged on 27.05.2023 by the informant Jodhan Sahni.

3. As per the prosecution story, the informant has alleged that due to land dispute some obstacle was made. As the police arrived, the accused retreated but once the police



returned, the accused persons armed variously came and allegation against petitioner no. 1, Mauje Prasad @ Maujelal Prasad is of assaulting Nagendra Sahni on his head by rod, causing serious injury. The further allegation is against Kishuni Das @ Krishnadeo Prasad and Dhiraj Kumar (petitioner nos. 2 and 3 respectively) of injuring the brother of the informant on his body. As the father of the informant came, they also assaulted him, causing fracture. The allegation of assault as also snatching of money is against the accused persons too. According, the FIR.

4. Learned Counsel for the petitioners submit that so far as the petitioner no. 1, Mauje Prasad @ Maujelal Prasad is concerned, the injury sustained by Nagendra Sahni has been found to be grievous in nature.

5. However, regarding Kishuni Das @ Krishnadeo Prasad and Dhiraj Kumar, the petitioner nos. 2 and 3 respectively are concerned, the injuries inflicted by them to the brother have been found to be simple in nature, none of them have criminal antecedent. Further, since both the accused and the petitioner nos. 2 and 3 are neighbours, the submission is that without accepting the allegation and/or the outcome of the present petition, in view of the fact that the informant side has



alleged injuries, the petitioner nos. 2 and 3 on their own would like to contribute towards the medical assistance of Rs. 5,000/- each (total Rs. 10,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Mr. Krishna Kant Singh, learned Counsel appearing on behalf of the informant submits that earlier too they had assembled but due to the police, retreated but once the police left, they assaulted the informant's side and in the process, Nagendra Sahni sustained serious injury. He as such, opposes the prayer for anticipatory bail.

7. Taking into account the submissions put forward by the parties as also the fact that the injury of the Nagendra Sahni has been found to be grievous in nature, the anticipatory bail application of petitioner no. 1, Mauje Prasad @ Maujelal Prasad stands rejected.

8. So far as the anticipatory bail of petitioner no. 2, Kishuni Das @ Krishnadeo Prasad and petitioner no. 3, Dhiraj Kumar are concerned, in view of the fact that the injuries have been found to be simple in nature, both of them do not have criminal antecedent, this Court is inclined to extend them



privilege of anticipatory bail subject to payment of Rs. 5,000/- each (total Rs. 10,000/-), as stated above.

9. Let the petitioner no. 2, Kishuni Das @ Krishnadeo Prasad and petitioner no. 3, Dhiraj Kumar in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court No. 8, Judicial Magistrate-1st Class, Muzaffarpur in connection with Minapur P.S. Case No. 211 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner no. 2, Kishuni Das @ Krishnadeo Prasad and petitioner no. 3, Dhiraj Kumar, who shall provide official document to show their *bona fide*;

(ii) the petitioner no. 2, Kishuni Das @ Krishnadeo Prasad and petitioner no. 3, Dhiraj Kumar shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioner no. 2, Kishuni Das @ Krishnadeo Prasad and petitioner no. 3, Dhiraj Kumar shall appear before



the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner no. 2, Kishuni Das @ Krishnadeo Prasad and petitioner no. 3, Dhiraj Kumar shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioner no. 2, Kishuni Das @ Krishnadeo Prasad and petitioner no. 3, Dhiraj Kumar shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

