

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81875 of 2024

Arising Out of PS. Case No.-183 Year-2024 Thana- PATAHI District- East Champaran

1. Fokari Das @ Pukari Das, S/O Dhamar Das, R/O Village- Nanhkar Patahi, P.S. Patahi, District- East Champaran.
2. Fulwa Devi @ Phula Devi, W/o- Fokari Das @ Pukari Das, R/O Village- Nanhkar Patahi, P.S. Patahi, District- East Champaran.
3. Kanhaiya Das @ Kanhaiya Kumar, S/o- Fokari Das @ Pukari Das. R/O Village- Nanhkar Patahi, P.S. Patahi, District- East Champaran.
4. Renu Devi, W/o- Santosh Das, Resident of Village- Bakhari Hari, P.S.- Dhaka, District- East Champaran.
5. Santosh Das, S/o- Maheshi Das, Resident of Village- Bakhari Hari, P.S.- Dhaka, District- East Champaran.
6. Mamta Kumari @ Mamta Devi, W/o- Kamlesh Das, Resident of Village- Chimanpur, P.S.- Piprahi, District- East Champaran
7. Kamlesh Das, S/o- Bhitan Das, Resident of Village- Chimanpur, P.S.- Piprahi, District- East Champaran
8. Rajan Devi @ Ranjana Devi, W/o- Nitesh Das, Resident of Village- Chaturshi, P.S.- Shibaypatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard learned Advocate appearing on behalf of the

petitioners and the learned Additional Public Prosecutor for the

State.

2. The petitioners apprehend their arrest in connection

with Patahi P.S. Case No. 183 of 2024, registered for the

offences punishable under Sections 191(2), 191(3), 190, 126(2),

115(2), 118(1), 109, 303(2), 74, 352 and 351(2) of the Bhartiya



Nyaya Sanhita, 2023.

3. Allegedly all the petitioners armed with weapons, barged into the house of the informant and started assaulting the informant and her husband. It is also alleged that on account of old enmity, all the FIR named accused persons brutally assaulted the informant and her husband, due to which they sustained serious injuries.

4. Learned Advocate appearing on behalf of the petitioners contended that in fact on account of an old enmity, both the parties entered into a free fight, resulting into injuries to persons of both the sides. In fact the persons of the petitioner's side has sustained serious injury. In support of the aforesaid contention, their injury reports have also been placed on record. It is next contended that there is a counter version of the present case, being Complaint Case No. 1975 of 2024, instituted on 03.08.2024. It is also the contention of the petitioners that the impugned order clearly suggest that the husband of the informant has suffered only two injuries, apart from pain and swelling at left forehead. There is omnibus nature of allegation against all the accused persons; moreover the petitioners bear fair antecedent and they undertake before this Court that they will not indulge in such type of offences in future.

5. On the other hand, learned Advocate for the State



opposed the pre-arrest bail application and submits that all the petitioners have brutally assaulted the informant and her husband.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation coupled with the case and counter case and the injuries sustained to persons of both the sides alongwith the fair antecedents of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Sessions judge, East Champaran at Motihari in connection with Patahi P.S. Case No. 183 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

supratim/-

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

