

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78753 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- VIJAYEPUR District- Gopalganj

1. Mani Kushwaha @ Mani Kumar @ Mani Bhagat Son Of Ramekbal Bhagat @ Ram Ekbal Bhagat Resident Of Village / Mohalla 0 Goita Tola, Bandhaura Ghat, P.S. - Vijaipur (BIJAIPUR), District - Gopalganj
2. Manu Kushwaha Son Of Virendra Kushwaha @ Birendra Bhagat Resident Of Village / Mohalla 0 Goita Tola, Bandhaura Ghat, P.S. - Vijaipur (BIJAIPUR), District - Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Diwakar, Adv. Mr. Shivam Kumar, Adv. Mr. Anuranjan Patel, Adv. Mr. Deepak Kumar, Adv. Ms. Priya Kumari, Adv.
For the Opposite Party/s	:	Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in a case in connection with Vijaipur P.S. Case No. 124 of 2023 dated 19.05.2023 registered for the offences punishable u/ss 341, 323, 324, 307 and 504 read with section 34 of the Indian Penal Code.



4. As per the prosecution case, the petitioners and the co-accused persons are alleged to have assaulted the informant while the Panchayati was going on. In the meantime, the accused Sunil Kushwaha assaulted the informant's son due to that he got severely injured. When the other son of the informant came to rescue, the accused, Chhotu Kushwaha assaulted him on his head with spade due to that he sustained injury on his head. The petitioners Mani Kushwaha and Manu Kushwaha also assaulted the informant with lathi and threatened him and fled away.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case due to land dispute. There is case and counter case between the parties. The allegation against the petitioners is of assaulting with Lathi. Learned counsel has further submitted that as per injury report, no injury was found on the informant. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their



arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Gopalganj in connection with Vijaipur P.S. Case No. 124 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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