

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.837 of 2024

Arising Out of PS. Case No.-213 Year-2022 Thana- KESARIA District- East Champaran

1. Md. Kurban, Son Of Late Md. Ldilmahammad Miya @ Late Dil Mohammad Mian Resident Of Village- Bariya, Ps- Kesariya, Dist- East Champaran
2. Md. Ahmad @ Ahmad Alam, Son Of Kayamuddin @ Md. Quamuddin Resident Of Villagee-Bariya, Police Station-Kesariya, District-East Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-04-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the instant case by the informant. It is also submitted that from the side of the petitioners Kesariya P. S. Case No.212 of 2022 dated 16.05.2022 has been instituted against the side of informant and others. It is further submitted that the instant F.I.R. is a counter-



blast to Kesariya P. S. Case No.212 of 2022 as the instant F.I.R. based Kesariya P. S. Case No. 213 of 2022. It is further submitted that allegation against Md. Kurban is of causing injury by knife on waist of the informant and against Md. Ahmad @ Ahmad Alam, it is alleged that he assaulted the informant by sword causing injury on left side of the head.

4. The learned counsel for the petitioners submits that on intervention of the well-wishers, the parties have compromised. It is also submitted that no injury report of injured on record or else the order impugned would have recorded the same.

5. Learned A.P.P. Sri Chandra Bhushan Prasad submits that the allegation of assault is serious caused by knife and sword on vital part of the body.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with



Kesariya P. S. Case No.213 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that the learned trial Court, before accepting the bail bonds of the petitioners, shall verify the injury report of the injured and in the event, if it is found that the injury of the injured is grievous caused by sharp edged weapon, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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