

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85176 of 2023

Arising Out of PS. Case No.-588 Year-2023 Thana- MAJHAULIA District- West Champaran

1. Heera Lal Bharti @ Hiralal Bharti @ Hira Lal Bharti S/o Late Shankar Ram, R/o Village- Semra Vrit, P.S- Majhauliya, Distt.- West Champaran.
2. Vivek Bharti @ Vivek Kumar S/O Hera Lal Bharti @ Hiralal Bharti @ Heera Lal Bharti, R/O Village- Semra Vrit, P.S- Majhauliya, Distt.- West Champaran.
3. Naina Devi W/o Heera Lal Bharti @ Hiralal Bharti @ Heera Lal Bharti R/O Village- Semra Vrit, P.S- Majhauliya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-01-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Majhauliya P.S. Case No. 588 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 354B and 506/34 of the Indian Penal Code.

3. Allegedly, while the husband of the informant was going to his cattle shed, in the meantime, co-accused Vikash



Bharti, who was carrying *khanti* in his hand, came there and assaulted her husband due to which he sustained head injury. It is further alleged that, in the meantime, the petitioner no.1, who was having gun in his hand, started assaulting on the eyes of the informant's husband by means of butt of the gun. Further allegation has been levelled that when the informant came to rescue of her husband, petitioner no.1 indecently misbehaved with her whereas petitioner no.2 Vivek Bharti @ Vivek Kumar also assaulted her husband by means of axe.

4. Learned counsel for the petitioners submits that the petitioner no. 1 and the husband of the informant are full brothers and, in fact, on account of a land dispute between them, a scuffle took place resulting into injury to the persons of both the sides and lodging of the case and counter case, being Majhauriya P.S. Case No. 595 of 2023 instituted by the petitioner no.1 against the informant and others. He further submits that though from the narratives of the FIR, it is evident that all the petitioners have assaulted the husband of the informant, however, the injury report does not corroborate the allegation, which has been marked as Annexure-3 to the bail application. He also submits that only one lacerated wound has been found on frontal region of the head of the informant's



husband, which is, *prima facie*, attributed to co-accused Vikash Bharti. There is no mark of any injury on account of axe or butt of the gun. He lastly submits that the scuffle, which took place leading to case and counter case, is in the premise of land dispute. Moreover, the petitioners are the persons of fair antecedent.

5. On the other hand, learned counsel for the State opposes the bail application and submits that all the petitioners had actively participated in the crime and on account of the exhortation made by the petitioner no.3, both petitioner no.1 and petitioner no.2, brutally assaulted the husband of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the injury report does not corroborate the prosecution case, coupled with the fair antecedent of the petitioners and the case and counter case on account of the land dispute, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 588 of 2023, subject



to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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