

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83655 of 2023

Arising Out of PS. Case No.-336 Year-2023 Thana- CHHATAUNI District- East Champaran

1. AASHIRVAD KUMAR @ PRINCE KUMAR S/O RAJKUMAR SAH @ DARA SAH @ RAJ KUMAR VILLAGE- CHHOTA BARIYARPUR, PS. CHHATAUNI, DIST. EAST CHAMPARAN.
2. RAJ KUMAR SAH @ DARA SAH @ RAJ KUMAR S/O LATE ASHARFI SAH VILLAGE- CHHOTA BARIYARPUR, PS. CHHATAUNI, DIST. EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari
For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned counsel for the State.

2. The petitioners apprehends their arrest in Chhatauni P.S. Case No. 336 of 2023 registered for the offence punishable under Sections-341, 323, 307, 427, 504, 506/34 of the Indian Penal Code.

3. Allegedly, the accused persons came at the house of the informant and started abusing him. On protest, the accused persons, assaulted the informant with fists, slaps and iron rod. The petitioner No.1 is alleged to have assaulted the informant's son with hammer, due to which, he sustained injury.



4. Learned counsel for the petitioners has submitted that the petitioner No. 2 and the informant are own brothers. There is case and counter case between the parties. As a matter of fact, the offshoot of the dispute is boundary wall between the shops of both brothers and they are the persons of clean antecedent. The injuries are simple in nature.

5. On the other hand, learned counsel for the informant has opposed the prayer for grant of anticipatory bail and submitted that there is specific allegation against the petitioner No. 1 that he assaulted on the head of informant's son with hammer, which hit on his head. It has further been submitted that four days delay in lodging the FIR has been explained in the FIR as son of the informant was struggling between life and death in hospital due to the injury suffered by him.

6. Considering the aforesaid facts and circumstances, prayer for grant of anticipatory bail in respect of the petitioner No. 1 stands **rejected** and so far the petitioner No. 2 is concerned, in the event of his arrest or surrender within a period of four weeks, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, East Champaran, Motihari in
connection with Chhatauni P.S. Case No. 336 of 2023 subject to
the conditions as laid down under Section 438 of the Cr.P.C.

(Nawneet Kumar Pandey, J)

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