

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84671 of 2023

Arising Out of PS. Case No.-302 Year-2022 Thana- KOTWA District- East Champaran

1. Naginapuri @ Naginapuri Goswami S/O Late Dukhi Puri R/O Village- Fatuha, P.S.- Kotwa, Distt.- East Champaran.
2. Shastri Kumar @ Shastri Mishra S/O Kamlesh Mishra R/O Village- Fatuha, P.S.- Kotwa, Distt.- East Champaran.
3. Sachchidanand Kumar Mishra @ Sachchidanand Mishra @ Saritanand Mishra S/O Kamlesh Mishra R/O Village- Fatuha, P.S.- Kotwa, Distt.- East Champaran.
4. Kamlesh Mishra S/O Dhruv Mishra @ Dhuruf Mishra R/O Village- Fatuha, P.S.- Kotwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-01-2024 Heard Ms. Mukul Kumari, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kotwa P.S. Case No. 302 of 2022, registered for the offences punishable under Sections 341, 323, 324, 307, 427, 379, 504 and 506/34 of the Indian Penal Code.

3. Allegedly, all the FIR named accused persons, including the petitioners, brutally assaulted the informant and his father, while they were returning from the temple. It is further alleged that the accused persons also snatched valuables.



4. It is submitted on behalf of the petitioners that from the FIR, it is evident that the alleged occurrence took place on 12.07.2022 and the same was informed to S.I. Town P.S. Motihari on 13.07.2022, however, the FIR has been registered on 23.07.2022. Further submission has been made that the present case is nothing but a counter blast to Kotwan P.S. Case No. 297 of 2022, lodged by the petitioner no. 2 against the informant and other persons. It is further submitted that in fact on account of a land dispute between the parties, who are the agnates, a free fight has taken place resulting into injuries to the persons of both the sides, however, the prosecution has failed to explain the injuries sustained to the persons of the petitioners. She next submits that there is omnibus nature of allegation against all the FIR named accused persons and the injury report also does not corroborate the allegation, moreover, the injury sustained to the father of the informant, which is attributed to the petitioner no. 2, is found to be simple in nature, except one. She lastly submits that the petitioners are men of fair antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that all the petitioners have actively participated in the crime, causing



injuries to the informant and others.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation as also the fact that though the father of the informant has sustained grievous injury but on the non vital part, which is attributed to the petitioner no. 2, coupled with the fair antecedent 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 Chief Judicial Magistrate, East Champaran in connection with Kotwa P.S. Case No. 302 of 2022, 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)

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