

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30250 of 2025

Arising Out of PS. Case No.-291 Year-2021 Thana- MUFFASIL District- West Champaran

1. Shiv Kumar Bind @ Hira Raut Bind @ Shiv Kumar Bindu, Son of Kanchan Raut, Resident of Village- Auraiya Tiwari Tola, P.S.- Bettiah (Muffasil), Banuchhapar, District- West Champaran
2. Bhushan Kumar Bind @ Bhushan Kumar Bindu, Son of Kanchan Raut, Resident of Village- Auraiya Tiwari Tola, P.S.- Bettiah (Muffasil), Banuchhapar, District- West Champaran
3. Krishna Kumar Bind @ Krishna Kumar Bindu, Son of Shiv Kumar Bind, Resident of Village- Auraiya Tiwari Tola, P.S.- Bettiah (Muffasil), Banuchhapar, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mishrun Khatoon, Wife of Ash Mohammad Ansari, Resident of Village- Auraiya Tola, P.S.- Bettiah Muffasil Banuchhapar, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Sinha, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-08-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Bettiah Muffasil Banuchhapar P.S. Case No. 291 of 2021, registered for the offences punishable under Sections 147, 148, 149, 188, 323, 341, 307, 354, 504 and 34 of the Indian Penal Code and Section 3 of Epidemic Disease Act.

3. Allegedly in the evening of the fateful day while



the son of the informant had gone to purchase medicine, in the mean while, on being found that co-villagers Shiv Kumar Bind @ Hira Raut Bind has blocked the road in front of his house through bamboo fence. When the informant's son crossed the bamboo fence, the same was objected by the co-accused Shiv Kumar Bind @ Hira Raut Bind and in the mean while, all the FIR named accused persons including the petitioners assembled there and started assaulting him by means of *lathi* and *danda* alongwith iron rod. On account of the assault being made, the son of the informant has sustained serious injury on head and both the eyes.

4. Learned Advocate appearing on behalf of the petitioners taking this Court through the FIR has submitted that omnibus nature of allegation has been levelled against all the FIR named accused persons including the petitioners, however when the re-statement of the informant and the statement of her nephew was recorded during the course of investigation, they have made a specific allegation of assault against Shiv Kumar Bind @ Hira Raut Bind. Taking note of the aforesaid facts, the police has not sent up the petitioners for trial, however differing with the final report, as was submitted on 03.10.2021, the learned Court has taken cognizance for the offences alleged;



hence the application for anticipatory bail. It is further contended that, be that as it may, the petitioners have absolutely fair antecedent and they undertake before this Court that they will fully cooperate in the proceeding of the Court.

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

6. Having considered the submissions set forth by learned Advocate for the respective parties and taking note of the re-statement of the informant and his nephew coupled with the fact that the police has submitted final report showing the petitioners as innocent and differing with the same the learned Court has taken cognizance for the offences alleged as also 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) with two sureties of the like amount **each** to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Muffasil Banuchhapar P.S. Case No. 291 of 2021, subject to the conditions laid down in Section



482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

supratim/-

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