

Arising Out of PS. Case No.-218 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champanan

- Petitioner/s

... .. Opposite Party/s

For the Petitioner/s : Mr. Jitendra Kumar, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

2. The petitioners are apprehending their arrest in



connection with Muffasil P.S. Case No.218 of 2023, registered for the offences punishable under Sections 147/149/341/323/324/307/379/504 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against 19 named accused persons including the present petitioners against whom there is allegation that they have surrounded the informant side and brutally assaulted due to which series of persons sustained injury.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that both are agnates and from the content of the FIR it is very much clear that on petty family dispute scuffling took place from both sides due to which two FIRs have been lodged for the same date and place of occurrence in which injury has been caused to both sides. Counsel further submits that the antecedent of the petitioners are clean and there is case and counter case. Therefore, bail may be granted to the petitioners.

5. Learned Counsel for the informant vehemently opposes the prayer for bail and submits that the specific allegation of assault is there in the FIR against the petitioners.



6. Learned Additional Public Prosecutor submits that on the previous occasion case-diary along with injury report was called for.

7. From the injury report, it transpires that the allegation against two injured is by sharp cutting weapons i.e., Vinay Kumar, Amar Rai and Prabha Devi. Amar Rai was assaulted by petitioner No.1 Manoj Rai and Prabha Devi was assaulted by petitioner No.3 Bukhal Kumar. From the injury report it transpires that allegation of assault has been made by sharp cutting weapons but injury by sharp cutting weapon is only against two accused persons.

8. In this view of the matter, the petitioner Nos.2, 4, 5, 6, 7 and 8, above named, are directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs.30,000/- (Three Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari, in connection with Muffasil P.S. Case No.218 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

9. As petitioner No.1 and petitioner No.3 have



direct allegation of assault by sharp cutting weapons, their
prayer for bail is hereby rejected.

(Dr. Anshuman, J)

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