

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90222 of 2024

Arising Out of PS. Case No.-484 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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1. Pinki Devi @ Pinki Kumari W/o - Guddu Kumar @ Mrigendra Kumar Resident of Village- Shree Krishna Nagar, P.S.- Town Motihari, Distt.- East Champaran
 2. Guddu Kumar @ Mrigendra Kumar Son of Late Ramakant Pandey Resident of Village- Shree Krishna Nagar, P.S.- Town Motihari, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Mr. Akash Kumar Mishra
For the State	:	Mr. Ram Bilash Roy Raman
For the informant	:	Mr. Kundan Rathore

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-01-2025 1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Motihari Town Police Station Case No. 484 of 2024, dated 11.08.2024, disclosing offences punishable under Sections 126(2)/115(2)/118/109/74/3(5) of the Bhartiya Nyaya Sanhita, 2023.
3. The prosecution case, as per the First Information Report, is that on 11.08.2024, the informant, along with his wife,



had gone to temple and when he came back, he saw that all the furnitures were scattered and lying in the hall. When the informant asked about the same from his elder brother, i.e. petitioner no. 2, he started abusing the informant and when objected, the petitioner no. 2, along with his wife (petitioner no. 1) started assaulting the informant with fists and slaps. It has further been alleged that the petitioner no. 2 subsequently assaulted the informant with dab (sharp cutting weapon) on his head, due to which he sustained serious injury on his head. When the wife of the informant intervened to save the informant, the petitioner no. 2 assaulted her by iron rod on her hand, due to which she fell down and thereafter, the petitioner no. 1 assaulted the wife of the informant on her stomach.

4. Learned Counsel for the petitioners submits that both the parties are residing in the same house constructed by their father. The petitioner no. 2 is the step-brother of the informant. The allegation that the petitioner no. 2 assaulted the informant by dab, which is a sharp cutting weapon, but from perusal of the injury report, it would be apparent that the injury, though grievous in nature, was



caused by hard and blunt substance. A counter case has been lodged by the petitioner no. 2 against the informant and others, bearing Motihari Town Police Station Case No. 485 of 2024 for an occurrence which has taken place on the same date and time. In the scuffle between the parties, both sides have sustained injuries and the petitioner no. 2 has also sustained injuries, which would be evident from the injury report, at Annexure-3.

5. On the other hand, learned Counsel for the informant vehemently opposes the prayer for bail and submits that the photograph of the informant shows that he was assaulted by the back side of the dab and blood stains are there on the back side of the dab. From the injury report, at Annexure-5, it is evident that the informant has sustained grievous injury on his head.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that both the parties are brothers (step-brothers), residing in the same house, there is case and counter case and both sides have sustained injuries, I am inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, allowed.



8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Motihari Town Police Station Case No. 484 of 2024, subject to the conditions (i) laid down under Section 438 (2) of the Code of Criminal Procedure and (ii) the petitioners shall not repeat the same offence in future.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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