

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.439 of 2016

Arising Out of PS.Case No. -229 Year- 2015 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Saroj Prasad @ Saroj Kumar son of late Shambhu Prasad Gupta
2. Bittu Kumar s/o Saroj Prasad@Saroj Kumar Both are Resident of
Mohalla- Illans Ram Chawk, Ganj NO. 2, Bettiah No. 2, Po +P.s Bettiah(T),
District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva

For the Opposite Party/s : Mr. Meena Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-01-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,323,394,341,307,354A,427,448 and 380 of the Indian Penal Code.

The prosecution case is that in the background of land dispute the accused persons including the petitioners came variously armed and started damaging the boundary and bungalow of the informant and on protest co accused Mukhlal Yadav ordered to kill the informant on which co accused Harihar inflicted iron rod blow on the head of the informant when the informant fell



down, thereafter all the accused persons assaulted him. On alarm when the family members of the informant came to rescue, it is alleged that petitioner no. 1 manhandled the female members of the informant whereas co accused Lalbabu Yadav, Sunil Yadav and Kamlesh Yadav entered into the house of the informant, damaged the house hold articles and took away box containing clothes and ornaments worth rupees eighty five thousand.

It is submitted by the learned counsel for the petitioners that petitioners are agnates of the informant and in the background of pending title suit the accusation has been levelled. It is further submitted that specific accusation of assault is against co accused Harihar Yadav and accusation of misbehaving with the family members of the informant has not been found true during investigation. More over, the injuries have been found to be simple and apart from the informant others have not received injury.

Considering the fact that specific accusation of assault is against co accused Harihar Yadav and the accusation has been levelled in the background of pending title suit, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs.

10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, West Champaran at Bettiah in connection with Chanpatia P.S. Case No.229 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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