

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.62076 of 2017**

Arising Out of PS. Case No.-46 Year-2015 Thana- TURKAULIYA District- East Champaran

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1. Motilal Sahani, S/o Late Banarshi Sahani,
2. Umarawati Devi W/o Motilal Sahani,  
Both R/o Village- Koraiya, P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Mishra, Adv.

For the Opposite Party/s : SRI SURESH PRASAD SINGH, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

2      22-12-2017                      Heard learned Counsels for the petitioners and learned  
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 143,323, 324,341, 308, 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per written report of Babita Devi submitted to the Officer In-charge, Motihari Town Police Station, is to the effect that on 11.01.2015 at 12.00 PM, the petitioners along with 3-4 unknown persons came and abused



the informant and threatened her not to come on the land in question, otherwise she would be killed. On protest being made by the informant, petitioner no.1, Motilal Sahani, gave garasa blow on the head of the informant causing cut injury. Petitioner no.2 caught hold of the hair of the informant and dashed her on the ground, and assaulted her with kicks and blows. When the informant was groaning on the ground, petitioner no.2 snatched her ear ring worth Rs.5000/-.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute. The informant has received only one injury and the impugned order reflects that the injury caused to the informant is simple in nature, caused by hard and blunt substance, whereas, it is alleged against petitioner no.1 that he assaulted with garasa a sharp cut weapon. There is counter version of the occurrence also.

Considering the accusation in the background of land dispute and the accusation being not corroborated by the medical opinion, 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 12 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 the learned CJM, Motihari, East Champaran, in connection with Turkauliya P.S. Case No. 46 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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