

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27122 of 2018

Arising Out of PS. Case No.-22 Year-2018 Thana- MUFFASIL District- West Champaran

1. Randhir Mishra, S/o Omkarnath Mishra,
2. Kundan Mishra S/o Omkarnath Mishra,
3. Omkarnath Mishra S/o Late Hosila Mishra, All three R/o Vill.-
Jokaha, P.S.- Manuapul, Distt.- West Champaran.
4. Dipak Thakur @ Dipak Kumar Thakur S/o Late Pasidh Narayan
Thakur, R/o Vill.- Gurwalia Beldar, P.S.- Manuapul, District-
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Shailendra Kumar -1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-05-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 341,323,324,307 and 506/34 of the IPC.

The prosecution case as per the Fardbeyan of Swikar Nath Mishra recorded by the S.I., Bettiah Town Police Station on 10.1.2018 at 6.05 P.M. at MJK Hospital, Bettiah is to the effect that on 9.1.2018 at 12.30 P.M. the informant went to see his land situated in Gurwalia Panchayat when the new purchaser of the adjacent land asked for making the ridge of the land straight, for which the informant gave his consent, but in the meantime, the accused persons came variously armed and petitioner no. 1



assaulted with Farsa on the head of the informant. Thereafter, co-accused Adarsh Thakur and Aashu Thakur assaulted with Dabila on the head of the informant causing bleeding injury. When the informant fell down on the ground then petitioner no. 4 assaulted with Barchhi on the right leg and petitioner nos. 2 and 3 assaulted with rod on the back and leg of the informant. The purpose of assault was that petitioner no. 1 and petitioner no. 4 wanted to grab the land of the informant.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. Injury of the informant has been found to be simple in nature. There is counter version of the occurrence being Bettiah Mufassil (Manuapul) P.S. Case No. 23 of 2018 registered with accusation under sections 341,323,354,308 and 504/34 of the IPC against the informant side. The petitioners have also received injuries and at earlier point of time also petitioner no. 4 lodged Lauriya P.S. Case No. 11 of 2018 registered with accusation under sections 342,385 and 506/34 of the IPC against the informant side on 10.1.2018. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation of



assault against the petitioners.

Considering the genesis of the occurrence being land dispute, there is counter version of the occurrence and the petitioners side have also received injury, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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, Bettiah, West Champaran in connection with Bettiah Mufassil (Manuapul) P.S. Case No.22 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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