

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27297 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- GOVINDGANJ District- East Champaran

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1. Vikash Upadhyay @ Vikash Kumar Upadhyay
 2. Rajeev Upadhyay @ Rajeev Kumar Upadhyay
Both sons of Rameshwar Upadhyay.
 3. Praful Upadhyay @ Praful Kumar Upadhyay, son of Vinod Upadhyay
 4. Rahul Upadhyay, son of Dilip Upadhyay
All Residents of Village- Sujayatpur, P.S.- Govindganj, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kant Mani Tripathi, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-05-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 307, 323, 337, 338, 341, 427 and 384/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 26.02.2018 submitted by Ravikant Upadhyay to the Station House Officer, Govindganj Police Station is to the effect that on 26.02.2018, he was getting his land measured and erecting boundary wall. In the meantime, the neighbours of the



informant, petitioner no.1, Vikash Upadhyay and petitioner no.2 Rajeev Upadhyay directed to stop the construction work. Thereafter, at 8.00 P.M, all the petitioners demolished the boundary wall and pelted bricks. The accused persons also abused and assaulted the informant and his nephew Ashutosh Kumar. As a result, the informant received injuries below his left eye and on the left wrist, whereas, Ashutosh Kumar received injury on his left shoulder. It is further alleged that the accused persons also damaged the Safari vehicle of the informant.

It is submitted by learned counsel for the petitioners that the petitioners are agnate of the informant and for a petty land dispute, the accusation has been levelled. Accusation is not specific against the petitioners and the injuries of the informant and his nephew have been found simple in nature. Petitioner nos. 1 and 2 filed Complaint Case No.375 of 2018 against six persons including the informant and Ashutosh Kumar, nephew of the informant. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are named in the FIR with specific accusation.

Considering the accusation being levelled in the



background of land dispute and the injury being found superficial, simple in nature, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, 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 ACJM-1, Motihari, East Champaran, in connection with Govindganj P.S. Case No.37 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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