

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8125 of 2019

Arising Out of PS. Case No.-262 Year-2018 Thana- WAJIRGANJ District- Gaya

1. Sachchidanand Singh, Male, aged about 55 years, S/o Late Ramchandra Singh, Resident of Village Kari Sowa, P.S Wazirgang, District Gaya.
2. Praveen Singh, Male, aged about 45 years, Son of Late Ramchandra Singh, Resident of Village Kari Sowa, P.S. Wazirganj, District Gaya.
3. Prashant Kumar @ Nilu, Male, aged about 25 years, Son of Praveen Singh, Resident of Village Kari Sowa, P.S. Wazirganj, District Gaya.
4. Mahesh Kumar, Male, aged about 32 years, Son of Sachchidanand Singh, Resident of Village Kari Sowa, P.S. Wazirganj, District Gaya.
5. Bipul Kumar, Male, aged about 40 years, Son of Awadh Kishor Singh, Resident of Village Kari Sowa, P.S. Wazirganj, District Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-02-2019 Heard both sides.

Petitioners apprehend their arrest in Wazirganj P.S. Case No.262 of 2018, registered under Sections 308, 379 and other minor sections of the Indian Penal Code.

The informant alleged that while he was weeding out the grass from his field situated in Mauza Punawa, the petitioners suddenly having armed with weapons appeared and asked the informant to leave the field which institutes some altercation between two sides. Mahesh Kumar, petitioner no.4, is alleged to have assaulted the informant with *khanti* which the informant warded off on his hand. Petitioner No.3, Prashant Kumar, is said to



have assaulted the informant with *khanti* on his leg and other accused persons put him down on the ground and tried to press his neck in order to kill him.

Learned counsel for the petitioners submits that Sachchidanand Singh, the petitioner no.1, filed Title Suit No.173 of 1998 for declaration of title and confirmation of possession and for declaration that the revisional survey entry with regard to the land is not binding on them. There is a land dispute and on account of which the informant himself wanted to grab the land of the petitioners by virtue of a wrong entry made during the revisional survey. It is further submitted that the informant got two injuries which are superficial and simple in nature. By no stretch of imagination it can be said that the blow was given with intention to commit culpable homicide and, therefore, there is no offence under Section 307 or 308 is made out. It is further submitted that the falsity of the case itself shows that the informant made his *fardbeyan* on 14.08.2018 but the FIR reached the court on 20.08.2018.

Taking into consideration the facts that there appears *bona fide* land dispute between the two sides and the injuries found on the person of the informant is superficial and simple in nature, the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks



from the date of receipt of this order be enlarged on bail 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, Gaya in connection with Wazirganj P.S. Case No.262 of
2018, subject to the conditions laid down under Section 438(2)
Cr.P.C.

(Prabhat Kumar Jha, J)

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