

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14071 of 2019

Arising Out of PS. Case No.-66 Year-2018 Thana- PIPRASI District- West Champaran

1. Mangauti Devi @ Magauti Devi, Wife of Binod, Bin Resident of Village- Rampur, Police Station- Laukariya, District- West Champaran
2. Shankar Bin, Son of Sarju Bin, Resident of Village- Shripat Nagar, Bhasahiya, Police Station- Piparasi, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-04-2019 Since the petitioner no1, Mangauti Devi @ Magauti Devi has been arrested, Mr. Milind Kumar Mishra, learned counsel for the petitioners, having A.O.R. No. 03142, seeks permission to withdraw the present application filed with a prayer for grant of anticipatory bail in connection with **Piparasi P.S. Case No.66 of 2018**, pending in the Court of learned **ACJM-II, Bagaha, West Champaran.**

Permission is accorded.

Heard learned Counsels for the petitioner and learned APP for the State.

The petitioner no.2 is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307 and 504/34 of the Indian Penal Code.



The prosecution case as per the written report of Domai Malah submitted to SHO, Piparasi Police Station is to the effect that on 13.11.2018 at about 11.00 A.M., in the background of dispute with regard to cutting of branches of Mango tree, all the accused persons including the petitioner no.2 came and started assaulting the father of informant, and when the brother and mother of the informant came to the rescue, then they were also assaulted by the co-accused persons and the petitioner no.2. It is further alleged that the genesis of occurrence was that the petitioner no.1 was cutting the branch of the mango tree in front of the house of the informant.

It is submitted by learned counsel for petitioner no.2 that the accusation has been levelled in the background of land dispute and there is counter version of the occurrence being Piparasi P.S. Case No.67 of 2018. It is further submitted that the injuries have been found simple superficial in nature, though one injury caused to the mother of the informant has been found grievous. It is further submitted that the accusation is omnibus and general against all the accused persons. A statement has been made in paragraph no. 3 of the petition that the petitioner no.2 is not having any criminal antecedent.

It is submitted by learned APP for the State that there is



specific accusation of assault against the petitioner no.2 and he is named in the FIR.

Considering the genesis of occurrence being the dispute with regard to the cutting of the branch of a Mango tree, and there is counter version of the occurrence, coupled with statement made in paragraph no.3 of the petition that the petitioner no.2 is not having any criminal antecedent, let the above named petitioner no.2 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) with two sureties of the like amount each to the satisfaction of the learned **ACJM-II, Bagaha, West Champaran.** in connection with **Piparasi P.S. Case No.66 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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