

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.838 of 2019**

Arising Out of PS. Case No.-422 Year-2018 Thana- MAHESI District- East Champaran

1. AJIT KUMAR Son of Birendra Kumar Yadav Resident of Kasba Mehsi, P.S. and P.O.-Mehsi, District-East Champaran.
2. Amit Kumar, Son of Birendra Kumar Yadav Resident of Kasba Mehsi, P.S. and P.O.-Mehsi, District-East Champaran.
3. Vikrant Jayaswal Son of Baidyanath Choudhary, Resident of Kasba Mehsi, P.S. and P.O.-Mehsi, District-East Champaran.
4. Tinku Choudhary Son of Gopal Choudhary, Resident of Kasba Mehsi, P.S. and P.O.-Mehsi, District-East Champaran.
5. Nawal Rai, Son of Binda Ray, Resident of Chak Finda Ali alias Barharwa, P.S. and P.O.-Mehsi, District-East Champaran.
6. Krishna Rai, Son of Binda Ray, Resident of Chak Finda Ali alias Barharwa, P.S. and P.O.-Mehsi, District-East Champaran.
7. Nand Kishore Choudhary Son of Late Paras Choudhary, Resident of Kasba, P.S. and P.O.-Mehsi, District-East Champaran.
8. Rajesh Kumar, Son of Rajendra Sah Resident of Kasba Mehsi, Ganj Chouk, P.S. and P.O.-Mehsi, District-East Champaran.
9. Ajay Kumar Son of Suraj Sah, Resident of Kasba Mehsi, Ganj Chouk, P.S. and P.O.-Mehsi, District-East Champaran.
10. Amarnath Prasad Gupta, Son of Jagdish Sah, Resident of Neyamatganj, Ward No.7, P.S. and P.O.-Mehsi, District-East Champaran.
11. Rajeev Kumar Gupta@Ranjit Kumar@Ranjit Kumar Gupta Son of Jagdish Sah, Resident of Neyamatganj, Ward No.7, P.S. and P.O.-Mehsi, District-East Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Rajeev Ranjan  
For the Respondent/s : Smt. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL JUDGMENT**

**Date : 02-04-2019**

The appellants seek pre arrest bail in connection with Mehsi  
P.S. Case No. 422 of 2018, registered for offences punishable under



Sections 323, 341, 325, 307, 436, 427, 504, 447 and 34 of the Indian Penal Code and Section 3 (iii), 3(v) and 3(x) of SC/ST Act.

Allegation against the appellants is that they came over the land on which 144 Cr.P.C. proceeding was going on and assaulted the informant and abused him and there is specific allegation against appellant no. 1 is of assault causing head injury.

It has been submitted on behalf of the appellants that there is land dispute between the parties and title suit filed by the informant is going on and the land in question has been purchased by the family of one of the appellants and further a case has also been lodged by the appellants' side against the informant and others and no specific allegation has been attributed to the appellants.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, so far appellant no. 1 is concerned, I am not inclined to grant him the privilege of pre-arrest bail rather he should surrender before the court below and pray for regular bail which will be disposed of by the court below on the merit of the case without being prejudiced by the order of this Court.

So far other appellants are concerned, in the event of their arrest or surrender before the Court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the



satisfaction of learned 1<sup>st</sup> Additional Sessions Judge cum-Special Judge SC/ST Act, East Champaran at Motihari, in connection with Mehsi P.S. Case No. 422 of 2018, subject to the conditions laid down under Section 438 (2) of Cr.P.C.

Accordingly, this appeal with regard to appellant nos. 2 to 11 is allowed and impugned order with respect to them is set aside.

**(Vinod Kumar Sinha, J)**

sunilkumar/-

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