

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37289 of 2019**

Arising Out of PS. Case No.-12 Year-2019 Thana- MAJHAULIA District- West Champaran

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1. Gorakh Prasad, Gender-Male, Aged about 50 years Son of Late Khodan Prasad
2. Prakash Kumar @ Omprakash Prasad Gender-Male, Aged about 28 years Son of Late Gorakh Prasad
3. Jagdish Prasad, Gender-Male, Aged about 30 years Son of Late Keshaw Prasad
4. Ram Sewak Prasad Gender-Male, Aged about 35 years son of Late Keshaw Prasad
5. Vidha Prasad Gender-Male, Aged about 28 years Son of Gorakh Prasad All are residents of Village - Karamawa, Khusharwlia tola, P.S. - Majhauria, District - West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

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|------------------------|---|---------------------------------|
| For the Petitioners    | : | Mr. Sanjay Kumar No 7, Advocate |
| For the Opposite Party | : | Mr. Jitendra Kr. Singh, APP     |

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

2      19-06-2019                      Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 323, 341, 324, 448, 307, 379, 504 and 506 of the Indian Penal Code registered in connection with Majhauria P.S. Case No. 12 of 2019.

3. It is submitted that the petitioners have been falsely implicated and the first information report is against as many as 11 named and 15-20 unknown persons. There is case and counter case between the parties. The accusations are general and omnibus in nature and no specific accusation of assault has been attributed to any of the petitioners. The case has been instituted in the backdrop of land dispute as petitioner nos. 1, 3 and 4 received the land in terms of the decree passed in Partition Suit No. 06 of 1993 by judgment dated 04.08.2001 which was sold by them in the year 2018. The grievous injuries sustained by the informant's side are not on vital part of the body. The falsity of the accusation is apparent from the injury report



of Bhagrashan Prasad showing only bruises caused by hard and blunt substance as against the allegation that he was shot in the leg by Anil Sahani, purchaser of the disputed land. Statement is made at the Bar that all the prior cases in which the petitioners are accused, had been instituted by the informant's side in connection with the same land.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauiliya P.S. Case No. 12 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

**(Vikash Jain, J)**

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