

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47047 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- RAMNAGAR District- West Champaran

1. UPENDRA TIWARI Son of Shambhu Nath Tiwary
2. Chunnu Singh Son of Late Nathuni Singh
3. Arvind Singh Son of Bharat
4. Saheb Yadav Son of Dhurendar Yadav
5. Kedar Mahto Son of Late Lakshmi Mahto R
All residents of Village-Bahuari Devraj, Police Station-Ram Nagar, 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.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-12-2019 Heard both sides.

The petitioners apprehend their arrest in Ram Nagar
P.S. Case No.67 of 2019 registered under Sections 147, 148,
149, 341, 323, 324, 307, 436, 427 of the Indian Penal Code.

The informant named the petitioners and alleged that
when he went to the disputed land where his house is situated,
he saw the accused persons having armed with different
weapons assaulting his sons, namely, Deepak Kushwaha,
Brajesh Kushwaha and Akhilesh Kushwaha. His sons having
been injured fell down on the ground. The accused persons also
assaulted the informant and set ablaze the house of the



informant.

The learned counsel for the petitioners submits that there is no specific allegation of assault against the petitioners. The sons of the informant of course got different injuries on their bodies but all the injuries are simple in nature. The occurrence took place due to land dispute. Pappu Singh claimed the land to be his own and there was a Panchayati. Upendra Tiwari(a member of punch) went at the place of occurrence to pacify the dispute but he has also made accused in the case. It is further submitted that no offence under Section 436 I.P.C is made out. The police initiated a proceeding under Section 107 of the Cr.P.C. between two sides for keeping peace.

Learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail and submitted that four persons got injuries on account of assault made by the petitioners. Bharat Kushwaha, the informant also got injury and, therefore, the petitioners do not deserve anticipatory bail.

It appears from perusal of the F.I.R. itself that the informant claimed his house is standing on the disputed land and when he went there he saw the accused persons assaulting his sons. His sons were lying unconscious but from perusal of



the injury report, it appears that all the three sons of the informant got injuries like abrasion, lacerated wound and all the injuries are simple in nature.

Taking into consideration the fact that occurrence took place due to land dispute and the injuries found on the injured are simple in nature, let 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 the order, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Bagaha, West Champaran in connection with Ram Nagar P.S. Case No.67 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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