

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49947 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- MAHISHI District- Saharsa

1. DEBU @ DEV NARAYAN CHAUPAL Son of Kailu Chaupal Resident of Village - Bagwa, P.S.- Mahishi (Jalai O.P.), District- Saharsa
2. Tej Narayan Chaupal Son of Late Kailu Chaupal Resident of Village - Bagwa, P.S.- Mahishi (Jalai O.P.), District- Saharsa
3. Bheem Shankar Chaupal Son of Deep Narayan Chaupal Resident of Village - Bagwa, P.S.- Mahishi (Jalai O.P.), District- Saharsa
4. Kari @ Bamshankar Chaupal Son of Dev Narayan Chaupal Resident of Village - Bagwa, P.S.- Mahishi (Jalai O.P.), District- Saharsa
5. Lalu Chaupal @ Lalu Kumar Chaupal Son of Tej Narayan Chaupal Resident of Village - Bagwa, P.S.- Mahishi (Jalai O.P.), District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sameer Ranjan
For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-08-2019 Heard both sides.

The petitioners apprehend their arrest in Mahishi (Jalai O.P.) P.S. case No. 29 of 2019 registered under Section 341, 323, 324, 307, 354B, 379, 380, 427, 34 of the IPC.

The informant disclosed that on 25.02.2019 while he was in his house, the accused persons came and asked his father why he was fixing pole on the land. His father replied that he had been in possession of the land since the time of his ancestors. On such, the accused persons surrounded the father of



informant and on the order of Deep Narayan Chaupal, Rajo Chaupal assaulted his father, Bihari Chaupal, with Farsa on his head. The blood started oozing out from the head of Bihari Chaupal and he fell down on the ground. Tej Narayan Chaupal, petitioner No.2, assaulted the informant with Lathi. When Anil Chaupal and Babloo Chaupal came to save the informant and his father, Dev Narayan Chaupal, petitioner No.1, and Surya Narayan Chaupal are alleged to have assaulted Anil Chaupal and Babloo Chaupal with iron rod. The accused persons snatched different articles from the possession of family members of the informant.

The learned counsel for the petitioners submits that there is a counter version being Mahishi (Jalai O.P.) P.S. case No. 30 of 2019. Santosh Chaupal, the informant, Anil Chaupal and Babloo Chaupal did not receive any injury. Bihari Chaupal, father of the informant, received two injuries, one on his head and another is abrasion over back. The doctor opined injury No.1 found on head to be grievous but author of that injury is Rajo Chaupal. None of the petitioners caused any injury to the father of informant.

Taking into consideration the facts that father of informant got two injuries and injury found on the head is



caused by Rajo Chaupal, who is not petitioner here, and Tej Narayan Chaupal, petitioner No.2, Dev Narayan Chaupal, petitioner No.1, and Surya Narayan Chaupal are said to have assaulted the informant, Anil Chaupal and Babloo Chaupal but they did not get any injury, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub divisional Judicial Magistrate, Saharsa in connection with Mahishi (Jalai O.P.) P.S. case No. 29 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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