

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51261 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- JADOPUR District- Gopalganj

1. Harendar Sah @ Harindar Sah, Aged about 50 years, Male, Son of Late Nag Sah, Resident of Village Baraibatti, P.S. Yadopur, District Gopalganj.
2. Ram Bhaju Sah @ Ram Bhuj Sah, Aged about 45 years, Male, Son of Ramayan Sah, Resident of Village Baraibatti, P.S. Yadopur, District Gopalganj.
3. Jay Prakash Sah @ Jay Prakash Gond, Aged about 42 years, Male, Son of Kanhai Sah, Resident of Village Baraibatti, P.S. Yadopur, District Gopalganj.
4. Om Prakash Sah, Aged about 45 years, Male, Son of Kanhai Sah, Resident of Village Baraibatti, P.S. Yadopur, District Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Gupta
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-08-2019 Heard both sides.

Petitioners apprehend their arrest in Yadopur P.S. Case No.28 of 2019, registered under Sections 147, 149, 341, 323, 325, 307, 504 and 506 of the Indian Penal Code.

Rampravesh Choubey, the informant named as many as 11 persons in the FIR including the 4 petitioners and alleged that they all came and asked the informant not to construct Hanuman temple. The informant replied that major construction work has already been done and why the accused persons were obstructing construction of the temple on such, it is alleged that



on the order of Manoj Choubey, Om Prakash Sah assaulted the informant with farsa on his head. Jay Prakash Sah also assaulted the informant with farsa on his head. When Suchit Choubey came to save, Santosh Choubey assaulted him with lathi. Shailesh Choubey is alleged to have assaulted Jaleshwar Choubey with spear on his left hand.

Learned counsel for the petitioners submits that there is a counter version being Jadopur P.S. Case No.27 of 2019. In fact, the informant of the present case and others were filling earth on the land of Santosh Choubey, Shailesh Choubey and Nathuni Gond for construction of temple and that is why the petitioners and others objected not to construct temple on their private lands. On account of such dispute, both the sides entered into mutual assault on each other. Similarly situated co-accused, namely, Meghnath Choubey and Vashishth Choubey were granted anticipatory bail by a coordinate Bench of this Court vide order dated 07.08.2019, passed in Cr. Misc. No.49199 of 2019.

Taking into consideration the fact that both sides on account of land dispute for construction of temple entered into mutual assault with each other and the fact that similarly situated other co-accused persons were granted anticipatory bail



by a coordinate Bench of this Court, let 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 enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gopalganj in connection with Yadopur P.S. Case No.28 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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