

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50826 of 2019

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

1. SANTOSH CHOUBEY, aged about 48 years, Male
2. Shailesh Choubey @ Shailesh Kumar Choubey, aged about 35 years, Male
Both Sons of Vashishth Choubey Resident of Village-Barai Patti, P.S-
Jadopur, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-08-2019 Heard both sides.

The petitioners apprehend their arrest in Jadopur P.S.
Case No.28 of 2019 registered under Sections 307 and 325 and
other Sections of the Indian Penal Code.

Rampravesh Choubey, the informant named as many
as 11 persons in the F.I.R. including both the petitioners(Santosh
Choubey and Shailesh Choubey) 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, Omprakash Sah assaulted the informant



with farsa on his head. Jaiprakash Sah also assaulted the informant with farsa on his head. When Suchit Choubey came to save, Santosh Choubey, petitioner No.1 assaulted him with lathi. Shailesh Choubey, petitioner No.2 is alleged to have assaulted Jaleshwar Choubey with spear on his left hand.

The 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 the petitioners 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. It is further submitted that Suchit Choubey and Jaleshwar Choubey got simple injury on head and left ring finger.

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 on account of assault made by both the petitioners, Suchit Choubey and Jaleshwar Choubey got simple injuries, 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 Shri Pratik Anand Dwivedi, the learned Judicial Magistrate 1st Class, Gopalganj or his successors in his office in connection with Jadopur P.S. Case No.28 of 2019(G.R. No.826/19), 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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