

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62464 of 2019

Arising Out of PS. Case No.-135 Year-2018 Thana- BIRAUL District- Darbhanga

Natwar Acharya @ Natwar Kumar Acharya, Son of - Gobind Acharya
Resident of Village- Balia, Police Station- Biraul, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 17-10-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Biraul P.S. Case no. 135 of 2018, registered under Sections 147, 148, 149, 341, 323, 324, 307 and 379 of the Indian Penal Code.

The accusation is that in the morning of 28.05.2018, ten persons named in the F.I.R, including the petitioner, came at the purchased land of the informant Brij Kishore Acharya and started constructing house. When informant made protest, saying that the case is going on in respect of the land, then Pitambar Acharya asked for bringing Farsa, which was handed over to him by Parmila Devi and, thereafter, Govind Acharya gave Farsa blow at the head of the



informant causing grievous injury. After that, Ashutosh, Raushan, Gopal and Natwar (Petitioner) committed Maarpit with him. When Ramchandra Acharya, son of the informant, rushed to save him, then Govind Acharya caused injury to him through Khanti and all caused assault to him through lathi and danda. Thereafter, Ghanshyam, another son of informant, rushed to save, then Govind, Ashutosh, Raushan, Natwar (petitioner), Prem Devi and others caused injury at him through sword, lathi and danda. Thereafter, the informant and his sons were rushed for treatment at Biraul, Government Hospital from where they were referred to D.M.C.H. for better treatment.

Learned counsel for the petitioner submits that, in fact, occurrence of Marpit took place due to land dispute regarding which the litigation is going on and in the occurrence, both the parties sustained injuries. Further submission is that co-accused Ashutosh Acharya and four others have already allowed privilege of pre-arrest bail by this Court on 20.06.2019 vide Criminal Miscellaneous No. 74504 of 2018. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below



within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Biraul, Darbhanga in connection with Biraul P.S. Case No. 135 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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