

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7448 of 2020

Arising Out of PS. Case No.-418 Year-2019 Thana- MUFFASIL District- West Champaran

1. UMESH TIWARI @ MUKESH TIWARI Son of Shambhu Sharan Tiwari Resident of Village - Shivpuri, P.S. - Bettiah Town, Distt - West Champaran.
2. Sarika Kumari Wife of Umesh Tiwari @ Mukesh Tiwari Resident of Village - Shivpuri, P.S. - Bettiah Town, Distt - West Champaran.
3. Pratima Devi Wife of Dharmendra Rai Resident of Village - Maruaha, P.S.- Nautan, Distt - West Champaran, at present Barbat Parsain, P.S.- Bettiah Muffasil, Distt - West Champaran.
4. Awadhesh Rai Son of Ram Bahadur Rai Resident of Village - Rai Tola, P.S.- Govindganj, Distt - East Champaran.
5. Shila Devi Wife of Awadhesh Rai Resident of Village - Rai Tola, P.S.- Govindganj, Distt - East Champaran.
6. Gayatri Devi Wife of late Devendra Dwivedi Resident of Village - Barbat Parsain, P.S.- Bettiah Muffasil, Distt - West Champaran.
7. Seema Devi Wife of Subodh Kumar Mishra Resident of Village - Barbat Parsain, P.S.- Bettiah Muffasil, Distt - West Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Bettiah Muffasil P.S. Case No. 418 of 2019 registered under Sections 147, 148, 149, 323, 324, 379, 385, 341, 307, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that there



is a land dispute between the parties, the petitioner no. 2 has purchased the land in question and is getting the rent receipts for the same. Learned counsel further submits that it is the informant who wanted to grab the said land over which both the parties have got dispute and only to falsely implicate these petitioners the informant has brought this case alleging that he was assaulted by the petitioners' side. Learned counsel submits that from the injury report of the informant it will appear that when the doctor examined him on the same date no external injury was found on his body. Petitioner no. 2 has also lodged a counter case on the same date as contained in Annexure '3' to the present application.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that there is a land dispute between the parties, the petitioner no. 2 has purchased the land in question and is getting the rent receipts for the same is enclosed as Annexure '4' to the present application and it is the informant in this case who wanted to grab the said land over which both the parties have got dispute and only to falsely implicate these petitioners the



informant has brought this case alleging that he was assaulted by the petitioners' side but in fact from Annexure '2' which is the injury report of the informant it will appear that when the doctor examined him on the same date no external injury was found on his body. Petitioner no. 2 has also lodged a counter case on the same date as contained in Annexure '3' to the present application, the nature of the allegations not being corroborated by the injury report and there being a land dispute between the parties, let the above-named petitioners, in the event of their arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Muffasil P.S. Case No. 418 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any



person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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