

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15738 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- NAUTAN District- Siwan

1. SAVALIA BIHARI @ SAWALIA BIHARI @ SWALIA BIHARI Son of Late Ladlisharan Prasad @ Ladli Sharan Resident of Village - Pachlakhi, P.S. - Nautan, District- Siwan (Bihar).
2. Bachcha Chaudhari @ Bacha Chaudhary @ Bachha Chaudhary Son of Late Gokhula Chaudhary Resident of Village - Pachlakhi, P.S. - Nautan, District- Siwan (Bihar).
3. Bikram Kurmi @ Vikrama Kurmi @ Bikaram Kurmi Son of Yamuna Kurmi Resident of Village - Pachlakhi, P.S. - Nautan, District- Siwan (Bihar).
4. Nagendra Srivastava Son of Late Vindhyachal Prasad Resident of Village - Pachlakhi, P.S. - Nautan, District- Siwan (Bihar).
5. Golu Kumar Srivastava Son of Nagendra Srivastava Resident of Village - Pachlakhi, P.S. - Nautan, District- Siwan (Bihar).
6. Rameshwar Chaudhary @ Rameshwar Kumar Yadav Son of Bachcha Chaudhari @ Bacha Chaudhary @ Bachha Chaudhary Resident of Village - Pachlakhi, P.S. - Nautan, District- Siwan (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prashant Kumar
For the State	:	Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case



registered under Sections 147, 149, 323, 324, 325 & 307 of the Indian Penal Code.

Allegedly, in the backdrop of construction on the land in question, the dispute arose. It is alleged that the accused persons came for construction on the informant's land as they had already unloaded bricks, sand over the land. On protest, the accused persons having armed with lathi, danda and iron came there and assaulted the informant and others, as a result of which, they sustained injuries.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. The nature of injury is said to be simple. No offence u/S 307 of the Indian Penal Code is made out. Due to land dispute, the alleged occurrence is said to have taken place.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of



learned Chief Judicial Magistrate, Siwan in connection with Nautan P.S. Case No. 11 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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