

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16770 of 2020

Arising Out of PS. Case No.-107 Year-2019 Thana- TILAUTHU District- Rohtas

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1. SAGAR KUMAR UPADHYAY @ SAGAR UPADHYAY @ PREM SAGAR UPADHYAY Son of Ramanuj Upadhyay Resident of Village - Bhadokhara, P.S.- Tilauthu, District - Rohtas at Sasaram
 2. Rangam Upadhyay @ Rangam Kumar Upadhyay Son of Ramanuj Upadhyay Resident of Village - Bhadokhara, P.S.- Tilauthu, District - Rohtas at Sasaram

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-07-2020 This case has been heard through video-conferencing.

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
354 B, 427, 379, 504 and 34 of the Indian Penal Code.

The prosecution case, in brief, is that the informant
had planted maize crop on the land and on the next day when
she went to the land she saw that accused persons named in the
F.I.R. were destroying her maize crop and when she protested
she was thrashed by them. It is further alleged that Nand



Kishore Upadhyay snatched her duppatta and when her mother came in her rescue Ramanuj Upadhyay assaulted her mother by Jham on her thigh. The reason behind the occurrence is said to be land dispute between the parties.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to land dispute. It is further submitted that from perusal of the F.I.R. it is crystal clear that petitioners were not present at the place of occurrence at the time of occurrence. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no overt act against the petitioners. There is inordinate and abnormal delay of about 6 days in filing the F.I.R. without assigning any plausible and convincing reason for the said delay. As a matter of fact, due to land dispute the instant occurrence took place in which the persons of the informant side brutally assaulted the persons of the petitioners' side. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond



of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Dehri, Rohtas, Sasaram in connection with Tilauthi P.S. Case No.107 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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