

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75864 of 2019

Arising Out of PS. Case No.-456 Year-2019 Thana- MAJHAULIA District- West Champaran

1. Ramawati Devi W/o Sheokumar Sahani R/o village- Senuwariya Newaka Tola Lalsariya Panchayat, P.S.- Majhauria, District- West Champaran
2. Manoj Sahani S/o Saral Sahani R/o village- Senuwariya Newaka Tola Lalsariya Panchayat, P.S.- Majhauria, District- West Champaran
3. Rubi Kumari D/o Sheokumar Sahani R/o village- Senuwariya Newaka Tola Lalsariya Panchayat, P.S.- Majhauria, District- West Champaran
4. Musmat Sushila Devi W/o Late Rajan Sahani R/o village- Senuwariya Newaka Tola Lalsariya Panchayat, P.S.- Majhauria, District- West Champaran
5. Saral Sahani S/o Vishesar Sahani R/o village- Senuwariya Newaka Tola Lalsariya Panchayat, P.S.- Majhauria, District- West Champaran
6. Seth Kumar S/o Sheokumar Sahani R/o village- Senuwariya Newaka Tola Lalsariya Panchayat, P.S.- Majhauria, District- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Brij Kishor Mishra
For the Opposite Party	:	Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 13-02-2020 Supplementary affidavit has been filed on behalf of the petitioners. Let the same be kept on record.

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

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Majhauria P.S. Case No. 456 of 2019 registered for the offence punishable under sections 341, 323, 324, 307, 447, 379



and 34 of the Indian Penal Code.

As per allegation made in the F.I.R., it is stated by the informant that as a result of earlier dispute with respect to 'rasta' between the parties, 10 named accused persons including the petitioners herein have assaulted the informant and members of his family as a result of which they sustained injuries.

It is submitted by learned counsel for the petitioners that from the FIR itself it would transpire that there is admitted land dispute between the parties. There is case and counter case with respect to the occurrence and the correct version of the occurrence is in the FIR lodged by the petitioner no. 1. It is further submitted that the injuries sustained by the informant and the members of his family are all simple in nature and that the petitioners have no criminal antecedent.

It is submitted by learned counsel for the informant that there is direct and specific allegation of overt act against the petitioners, leading to some of the injuries being on vital part of the body.

The application for bail is also opposed by the learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case including



the fact that there is admitted land dispute between the parties, there is case and counter case and injuries are simple in nature, this Court is inclined to grant anticipatory bail to the petitioners and they are directed to surrender in the court below within a period of six weeks from today and in the event of their arrest or surrender, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhaulia P.S. Case No. 456 of 2019, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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