

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 83709 of 2019

Arising Out of PS. Case No.-468 Year-2018 Thana- HARSIDHI District- East Champaran

1. Maya Devi, aged about 48 years, Gender- Female, Wife of Bhagvat Prasad Nirala
2. Pawan Kumar @ Pawan Kumar Arya, aged about 19 years, Gender-Male, Son of Bhagvat Prasad Nirala, both resident of Village - Govindpur, P.S.- Harsidhi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-02-2020 Heard learned counsel for the petitioners, the informant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Harsidhi P.S. Case No. 468 of 2018 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 34 of the Indian Penal Code.

The prosecution case in very short is that on the date and time of occurrence all the accused persons as named in the F.I.R. including the petitioners started damaging wall of the house of the informant land on objection, petitioner Maya Devi with intention to kill attacked murderously due to which she sustained injury and co-accused Bhagat Prasad Nirala attacked



with knife with intention to kill due to which she sustained injury on her neck. Petitioner Pawan Kumar tore her cloths due to which she became disrobed. Thereafter, all the three persons took out Rs.27,500/- from the Almirah after entering into her house and giving threaten fled away.

Learned counsel for the petitioners has submitted that they are innocent, never committed any such offence and have been falsely implicated in this case due to land dispute and party politics. He further submits that there is no recovery from their possession. The informant and her family members are adamant to grab the land and house of the petitioners so with a view to put pressure the informant is habitual to lodge false cases against the petitioners and she also lodged earlier Harsidhi P.S. Case No.162 of 2017 for the same occurrence. Learned counsel for the petitioners further submits that the police has submitted final form against the petitioner no.2 but the court below has taken cognizance against petitioner no.2. In the present case, charge sheet has been submitted against the petitioners and the injury report shows that the injury is simple in nature.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a



period of six weeks from today, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of C.J.M., Motihari, East Champaran in connection with Harsidhi P.S. Case No. 468 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

Nasimul/-

U		T	
---	--	---	--

