

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36393 of 2020

Arising Out of PS. Case No.-50 Year-2020 Thana- CHAKIA District- East Champaran

1. SATYANARAYAN PANDIT @ SATYANARYAN PARIT Son of Late Mathura Pandit Resident of Village - Kharki Kuawa, P.S. - Chakiya, District East Champaran at Motihari.
2. Pappu Kumar Son of Satyanarayan Pandit @ Satyanarayan Parit Resident of Village - Kharki Kuawa, P.S. - Chakiya, District East Champaran at Motihari.
3. Bimal Kumar @ Vimal Kumar Son of Satyanarayan pandit @ Satyanarayan Parit Resident of Village - Kharki Kuawa, P.S. - Chakiya, District East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh
For the Opposite Party/s : Mr. Lallan Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-04-2021 Heard both sides.

The matter has been taken up through video conferencing.

The petitioners apprehend their arrest in Chakia PS case No. 50/2020 registered under Section 341, 323, 324, 307, 379, 504/34 of the IPC.

The informant, Birendra Prasad Yadav, named the three petitioners along with 4-5 unknown persons and alleged that Bimal Kumar came to the site of his building construction and tried to put hindrance. When the informant tried to persuade him not to make any hindrance in construction work, he took out knife and assaulted him. Other accused persons also assaulted him with rod on his head. Pappu Kumar and two



unknown persons took out money from the pocket of informant.

The learned counsel for the petitioners submits that petitioners are innocent and they have committed no offence. The informant on account of land dispute lodged this case making false and frivolous allegation. The informant got as many as four injuries out of which one is incised wound and others are laceration and abrasion. All the injuries are simple in nature. There is counter version being complaint case No. 295/2020. It is further submitted that a proceeding u/s 145 of Cr.P.C. was initiated between the parties and the same was decided on 10.08.1999 and the petitioners are found in possession of the disputed land and, therefore, it appears that informant tried to dispossess the petitioners from the land and for that the occurrence took place in which the informant got simple injuries.

The learned APP however opposed the prayer for anticipatory bail.

Having considered the submissions and on perusal of records, it appears that informant alleged that Bimal Kumar assaulted him with knife when he persuaded not to put hindrance in construction of the house and other accused persons assaulted him with rod but it appears that informant got simple injuries and there is case and counter case. It further transpires that a proceeding u/s 145 of the Cr. P. C was initiated between Mahendra Pandit and Sitaram Prasad Yadav. Sitaram Prasad Yadav is father of the informant. The 145 proceeding was concluded and the land was found in possession of the petitioners.

Taking into consideration the facts aforesaid and the nature of allegation made against the petitioners, the petitioners,



above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Chakia P.S. case No. 50/2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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