

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34935 of 2020

Arising Out of PS. Case No.-249 Year-2018 Thana- HARSIDHI District- East Champaran

Birendra Prasad, aged about 50 years, Male, son of Late Ramnath Prasad,
Resident of Village Yadavpur Lala Tola, P.S. Harsidhi, District East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-03-2021 Heard both sides.

The petitioner apprehends his arrest in Harsidhi P.S.
Case No.249 of 2018, registered under Sections 341, 323, 379,
307, 504 and 34 of the Indian Penal Code.

The informant disclosed that his brother came and
informed that the accused persons were plucking mangoes from
their trees and, on such, the informant went there. Surendra
Prasad started cutting mango tree. The informant started making
video of the occurrence, but co-accused, Yogendra Prasad and
Surendra Prasad tried to snatch the mobile and also tagged rope
around the neck of Pramod Srivastava, the uncle of the
informant and assaulted him.

Learned counsel for the petitioner submits that the



police found the accusation against the petitioner and Nirmal Devi false and submitted final form finding the case true against four accused persons, but the learned Chief Judicial Magistrate took cognizance against all the accused persons including the petitioner.

There appears that the case is lodged on account of land dispute. No apparent injury was found. The police after investigation did not find the accusation against the petitioner true.

Taking into consideration the facts aforesaid, petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, 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 the learned CJM, Motihari, East Champaran in connection with Harsidhi P.S. Case No.249 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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