

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.718 of 2021

Arising Out of PS. Case No.-360 Year-2020 Thana- TURKAULIYA District- East
Champaran

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1. SRIBHAGWAN SAH, Son of Late Lalji Sah Resident of Village- Nariyarwa, P.S.- Turkaulia, District- East Champaran.
 2. Bulet Sah Son of Sribhagwan Sah Resident of Village- Nariyarwa, P.S.- Turkaulia, District- East Champaran.
 3. Raju Kumar Son of Sribhagwan Sah Resident of Village- Nariyarwa, P.S.- Turkaulia, District- East Champaran.
 4. Manish Kumar Son of Sribhagwan Sah Resident of Village- Nariyarwa, P.S.- Turkaulia, District- East Champaran.
 5. Panna Lal Sah Son of Bhola Sah Resident of Village- Nariyarwa, P.S.- Turkaulia, District- East Champaran.
 6. Upendra Kumar @ Upendra Sah Son of Panna Lal Sah Resident of Village- Nariyarwa, P.S.- Turkaulia, District- East Champaran.
 7. Prakash Sah Son of Panna Lal Sah Resident of Village- Nariyarwa, P.S.- Turkaulia, District- East Champaran.
 8. Subhash Kumar @ Subhash Sah Son of Panna Lal Sah Resident of Village- Nariyarwa, P.S.- Turkaulia, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Singh
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-08-2021 Heard Mr. Sanjay Singh, learned senior

Advocate for the petitioners and Mr. Sunil Kumar No. -

3, learned advocate for the informant. The State is

represented by Mr. Bal Mukund Prasad Sinha, learned

APP.



The petitioners seek bail in anticipation of their arrest in connection with Turkaulia P. S. Case No. 360 of 2020, dated 16.06.2020, instituted for the offences under Sections 323, 324, 307, 341, 379, 504 and 34 of the Indian Penal Code. Later on, Section 326 of the Indian Penal Code was also added.

The accusation against all the petitioners is of having assaulted the informant and other members of the prosecution party because of a dispute over a plot of land.

There is a counter version of the occurrence also.

The learned senior Advocate for the petitioners has submitted that many persons of their side have also received injuries.

The whole occurrence took place because of the parties staking their respective claims over a plot of land. Apart from this, it has been submitted that though three accused persons, namely, petitioner nos. 3, 6 and



8 are specifically alleged to have assaulted the informant but the assault by petitioner no. 6 (Upendra Kumar @ Upendra Sah) has caused grievous injury. Rest of the injuries do not appear to be grievous.

So far as other petitioners are concerned, they are said to have assaulted other members of the prosecution party who have received simple injuries.

It has also been brought to the notice of this Court that the assessment of the nature of the injuries on two of the persons from the side of the petitioners is incorrect. The dimensions of such injuries also appear to be grievous.

The parties are agnates and it becomes very obvious from a plain reading of the F.I.R. that there was a clash between the two set of claimants over a plot of land in which both sides have received injuries.

That non-reference of any injury on the side of the accused persons makes the prosecution case somewhat suspect.



However, learned counsel for the informant has opposed the grant of anticipatory bail on the ground that there is accusation against three of the accused persons of assaulting the informant who has received grievous injuries.

Regard being had to the fact that the dispute arose because of the rival claims over a plot of land and the petitioner nos. 1, 2, 3, 4, 5, 7 and 8 not having caused any grievous injury on anyone of the victims, this Court is inclined to admit the aforesaid petitioners to anticipatory bail.

In view of the afore-stated facts and circumstances, the provisional bail granted to petitioner nos. 1-5 and 7-8 is, hereby, confirmed.

They shall remain on the same bail-bonds.

Their applications are allowed.

So far as petitioner no. 6 is concerned, his application for anticipatory bail is rejected.

The provisional anticipatory bail granted in his



favour is withdrawn.

The application on his behalf is dismissed.

However, in case the petitioner no. 6 surrenders before the court below and seeks bail, that shall be considered on its own merits, without being prejudiced by the fact that the present petition on his behalf has not been entertained by this Court.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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