

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No 57855 of 2021**

Arising Out of PS. Case No.-340 Year-2020 Thana- PAHARPUR District- East Champaran

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1. NAND KISHORE UPADHYAY S/o LATE VINDHANCHAL UPADHYAY R/o VILLAGE-NONIYA, SHAKALDIPI TOLA, P.S.-PAHARPUR, DISTRICT-EAST CHAMPARAN.
2. SHOBHA DEVI W/o NAND KISHORE UPADHYAY R/o VILLAGE-NONIYA, SHAKALDIPI TOLA, P.S.-PAHARPUR, DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr Manjeet Kumar Mishra, Advocate  
For the Opposite Party/s : Mr Md Matloob Rab, APP

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**2      01-06-2022**                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioners apprehend arrest in Paharpur Police Station (for brevity, *PS*) Case No 340 of 2020/GR No 6691 of 2020 registered for the offence punishable under Sections 341, 323, 324, 307, 354B, 379, 427, 436, 504/34 of Indian Penal Code.

There is an allegation that with respect to some dispute over a piece of land, the instant petitioners have assaulted the informant and her family members.



Petitioners' counsel submits that in fact the informant was the aggressor and the petitioners were just trying to resist her attempt to capture the petitioners' private land.

The learned APP has drawn attention of the Court towards the injuries which have emerged in the course of investigation and which corroborates the allegation levelled against the petitioners. The informant's son has suffered repeated injuries on the frontal region of the head, right side of forehead, right side of temporal parietal region of skull as well as other injuries, which are all attributed to petitioner No 1 Nand Kishore Upadhyay.

This Court has considered the rival submissions. Having regard to the specific corroboration of the injuries, attributed to petitioner No 1 Nand Kishore Upadhyay, this Court does not find it a fit case for grant of anticipatory bail.

Prayer for anticipatory bail of petitioner No 1 Nand Kishore Upadhyay is rejected.

Petitioner No 2 Shobha Devi is a female and the submission, in respect of her prayer for anticipatory bail is that, being a family member, she has unnecessarily been implemented in this case.

Considering the rival submissions, this Court, for the



purposes of grant of bail, is, thus, inclined to accept the submissions advanced by petitioner No 2's counsel. Prayer for bail is allowed. Let petitioner No 2 Shobha Devi, above named, in the event of her arrest or surrender within four weeks from today, be released on bail on her furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate XI, Motihari, East Champaran in Paharpur PS Case No 340 of 2020, GR No 6691 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as



pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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