

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59426 of 2021

Arising Out of PS. Case No.-89 Year-2021 Thana- LAURIA District- West Champaran

1. Santosh Lal @ Santosh Prasad Shrivastav S/O Adya Lal Shrivastav R/O Village-Baswariya, P.S-Lauriya, District-West Champaran.
2. Kundan Lal @ Kundan Lal Shrivastav S/O Bhushan Lal @ Bhushan Lal Shrivastav R/O Village-Baswariya, P.S-Lauriya, District-West Champaran.
3. Sonu Kumar S/O Santosh Lal @ Santosh Prasad R/O Village-Baswariya, P.S-Lauriya, District-West Champaran.
4. Akash Kumar @ Akash Kumar Verma S/O Shambhu Lal Verma @ Shambhu Lal @ Shambhu Prasad R/O Village-Baswariya, P.S-Lauriya, District-West Champaran.
5. Amit Lal @ Amit Kumar Shrivastav @ Amit Shrivastav S/O Shambhu Prasad @ Shambhu Prasad Shrivastav @ Shambhu Lal R/O Village-Baswariya, P.S-Lauriya, District-West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-07-2022 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in Lauriya P.S. Case No. 89 of 2021, registered for the offences punishable under Sections 379, 307 and other allied sections of the Indian Penal Code.

Prosecution case in brief is that on 11.04.2021 at 1.00 pm Sonu Kumar (petitioner no. 3) was making *Merh* on the land of informant. On being protested by the informant all the



accused persons along with four others came there and Kundan Lal (petitioner no. 2) assaulted the informant by means of *Farsa* on his head. Sonu Kumar petitioner no. 3 assaulted the informant on his left shoulder by means of iron rod. When the grand-son of informant Priyanshu Raj came to rescue, he was also assaulted by petitioner no. 1 Santosh Lal on his left ear by means of lathi and co-accused Bhushan Lal assaulted on his back by means of iron rod. Injury caused on person of Priyanshu Raj is simple in nature and injury sustained by the informant attributed to petitioner no. 3 is grievous in nature.

It is submitted that petitioners have been falsely implicated in this case. Admittedly, there is land dispute between the parties. Case and counter case. Case lodged by the petitioners side is earlier in point of time. There is general and omnibus allegation. Petitioners have got clean antecedents.

So far as case of Sonu Kumar petitioner no. 3 is concerned, there is allegation of assault by means of lathi upon the informant causing grievous injury, I am not inclined to enlarge him on anticipatory bail. Accordingly, the same is rejected.

Having considered the fact that there is general and omnibus allegation of assault and the injury sustained by



Priyanshu Raj is simple in nature, the petitioner nos. 1, 2, 4 and 5 above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Ist, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 89 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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