

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13687 of 2023

Arising Out of PS. Case No.-762 Year-2021 Thana- TURKAULIYA District- East
Champaran

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1. DEVI LAL RAI @ DEVI LAL KUMAR RAI S/O RAKESH RAI @
RAJESH RAI R/v- Turkauliya Purvi Tola, P.S.- Turkauliya, District- East
Champaran
 2. CHUNNI LAL RAI @ DEVENDRA KUMAR S/O RAKESH RAI @
RAJESH RAI R/v- Turkauliya Purvi Tola, P.S.- Turkauliya, District- East
Champaran
 3. RAKESH RAI @ RAJESH RAI S/O LATE BELASH RAI R/v- Turkauliya
Purvi Tola, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered
for the offences punishable under Sections 341, 323, 324, 354
(B), 379, 427, 308, 504, 34 of the Indian Penal Code.

Allegedly, after some altercation, all the accused persons
including the petitioners, armed with various deadly weapons,
came to the informant and started displacing *Naad* and *Khoota*
from the Garmajarua land. On objection, they started abusing in
filthy language. On instigation of petitioner no.3, all the accused



persons assaulted the informant. Petitioner nos. 1 & 2 are said to have assaulted the informant's husband and tried to outrage her modesty.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to dirty village politics. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. There is case and counter case between the parties. Both sides have sustained injuries which are simple in nature. It is further submitted that the FIR was lodged under Sections 341, 323, 324, 354 B, 379, 427, 308, 504, 34 of the Indian Penal Code but after the investigation, the police has filed charge sheet under Section 341, 323, 324, 427, 308 and 504/34 of the Indian Penal Code. Petitioners are enjoying the benefit of 41 A of Cr.P.C. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as there is case and counter case between the parties and both the parties sustained simple injuries, let the above named



petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Turkauliya P.S. Case No. 762 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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