

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19604 of 2023

Arising Out of PS. Case No.-137 Year-2022 Thana- PARASI District- Jehanabad

Yugeshwar Tiwari @ Jugeshwar Tiwari S/O- Late Ram Ishwar Tiwari
Resident of Village- Amra Ps- Parasi Dist- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate.
Mr. Saket Kumar, Advocate.
For the Opposite Party/s : Mr. Uday Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-06-2023 Heard Mr. Krishna Prasad Singh, learned senior counsel duly assisted by Mr. Saket Kumar, learned advocate for the petitioner and learned APP for the State.

The Petitioner is apprehending his arrest in connection with Parasi P.S. Case No.137 of 2022, registered for the offences punishable under Sections 308, 379, 341, 323, 147, 149 of the Indian Penal Code.

It is alleged that while the informant was ploughing his field, in the meantime, all the accused persons including the petitioner armed with Lathi and Khanti came there and started abusing. On protest being made the petitioner assaulted the informant's brother by means of Khanti due to which he sustained injury. Further omnibus allegation has also been



leveled against all the accused persons of assault and snatching of valuables.

Learned senior counsel appearing on behalf of the petitioner submits that there is counter version of the present case being Parasi P.S. Case No. 138 of 2022 instituted by the petitioner, the copy of which has been annexed as Annexure-2 to the petition. He further submits that the land in question belongs to the petitioner and his family as is evident from Annexure-4 to the application which suggests that the mutation, which has been wrongly allowed in favour of the informant has been cancelled by the Competent Authority and the land in question is in possession of the petitioner and on the alleged date of occurrence, it was the informant side who have forcibly tried to dispossess the petitioner due to which a free fight has taken place, wherein the persons of both the sides have sustained injuries. However, the prosecution has failed to explain the injury sustained to the persons of petitioner's side. Learned senior counsel further drawn the attention of this Court towards the injury report, which suggests that the injury are simple in nature. He lastly submits that the petitioner is a man of fair antecedent and he being head of the family his name has been implicated with a specific allegation.



On the other hand learned APP for the State vehemently opposes the bail application and submits that specific allegation of assault has been leveled against the petitioner, which has been corroborated by the injury report.

Regard being had to the submissions made on behalf of the parties and considering the fact that there is a counter version of the present case and the police report suggested that the petitioner is in possession of the land in question where the occurrence took place and a free fight has been taken place on account of the land dispute, coupled with the fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-Ist Class, Arwal, in connection with Parasi P.S. Case No.137 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Harish Kumar, J)

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