

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21262 of 2023

Arising Out of PS. Case No.-699 Year-2022 Thana- MAJHAULIA District- West Champaran

1. Heeralal Prasad @ Heera Lal Sah, Son Of Late Baidyanath Sah, Resident Of Village - Guruchurwa, Ward No. 10, P.S. - Majhauriya, Distt. - West Champaran
2. Chhote Lal Sah, Son Of Late Baidyanath Sah, Resident Of Village - Guruchurwa, Ward No. 10, P.S. - Majhauriya, Distt. - West Champaran
3. Godawali Devi @ Gadawali Devi, Wife Of Heeralal Prasad @ Heera Lal Sah, Resident Of Village - Guruchurwa, Ward No. 10, P.S. - Majhauriya, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anjali Kumari, Advocate

For the Opposite Party/s : Mr. Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Majhauriya P.S. Case No.699 of 2022 registered for the offences punishable under Sections 147, 148, 149, 447, 323, 324, 307, 354B, 380, 406, 504 and 420 of the Indian Penal Code. The petitioners have got no criminal antecedent.

As per the prosecution story, on 23.09.2022 at about 8.30 am while the informant was erecting wall of bricks in her land on the occasion of marriage, in the meanwhile, all the



named accused persons including these petitioners came at the door of the informant and started abusing her. On protest made by her, all the accused persons surrounded her and one Heeralal Prasad (petitioner no.1) and Jawahir Prasad dashed the informant on the ground by pulling her hair and torn her blouse with intention to outrage her modesty. It is alleged that thereafter the accused persons namely Seema Devi, Kavita Devi and Gadwali Devi (petitioner no.3) started assaulting the informant by holding her hair and took Rs.2000/- and golden chain from her neck. It is alleged that when the sons of the informant came to rescue her, then all the accused persons including Chhote Lal Sah (petitioner no.2) started assaulting them by farsa, iron rod and khanti. It is further alleged by the informant that on 10.04.2020 one Bhulan Prasad Gupta had taken Rs.100000/- from the informant and her son namely Raju Sharma for making registry with regard to 4 dhurs of land situated behind the house of the informant but he neither made registry nor returned the money and sold the said land to Heera Lal Sah on 24.08.2020.

Ms. Anjali Kumari, learned counsel for the petitioners submits that both the parties are co-villagers and there is a land dispute between the parties which has led to the present dispute



in which both the parties seem to have assaulted each other giving rise to a case and counter case.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it appears that both the sides have assaulted each other, there is a case and counter case and the injuries allegedly received by the informant's side are simple in nature, the petitioners have otherwise no criminal antecedent, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 699 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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