

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25337 of 2023

Arising Out of PS. Case No.-174 Year-2022 Thana- SHYAMPUR BHATHA District-
Sheohar

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1. RAJ MANGAL RAI Son of Late Asharfi Rai Resident of village-Nayagaon, P.S.-Sheyampur Bhatahan, District-Sheohar
 2. SOMARI DEVI Wife of Raj Mangal Rai Resident of village-Nayagaon, P.S.-Sheyampur Bhatahan, District-Sheohar
 3. AKHILESH KUMAR Son of Raj Mangal Rai Resident of village-Nayagaon, P.S.-Sheyampur Bhatahan, District-Sheohar
 4. CHANDANI KUMARI Daughter of Raj Mangal Rai Resident of village-Nayagaon, P.S.-Sheyampur Bhatahan, District-Sheohar
 5. NAWLESH KUMAR Son of Raj Mangal Rai Resident of village-Nayagaon, P.S.-Sheyampur Bhatahan, District-Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman
For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

At the very outset, learned counsel for the petitioners submits that he does not want to press this application against petitioner no.3 because he has died during pendency of this application as such this application against petitioner no.3 has become infructuous.

Accordingly, this application has become infructuous in respect of petitioner no.3.



Further, learned counsel for the petitioners submits that on instruction of his client, he seeks permission to withdraw this application in respect of petitioner no.5.

Permission is granted.

Accordingly, this application is dismissed as withdrawn in respect of petitioner no.5 only.

Now, this application survives only for petitioner nos.1, 2 and 4.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307 & 379/34 of the Indian Penal Code.

The petitioners are said to have assaulted the complainant and his family members by means of deadly weapons.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to previous enmity and land dispute. As a matter of fact, petitioner no.1 and the informant are next cousin and they are on inimical terms from back due to land dispute. They always fight for share of their ancestral land. The allegation levelled against the petitioners is not specific rather general and omnibus in nature.



There is admitted land dispute between the parties. Both sides have filed cases against each other. The injury attributed by petitioner nos.1, 2 & 4 are simple in nature. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case as well as the fact that there is admitted land dispute between the parties and the injury attributed by petitioner nos.1, 2 and 4 are simple in nature, let the above named petitioner nos.1, 2 and 4, 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 Shyampur Bhathan P.S. Case No.174 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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