

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36083 of 2023

Arising Out of PS. Case No.-90 Year-2018 Thana- PATAHI District- East Champaran

1. Raju Paswan, Son of Inar Paswan, Resident of village- Bokane Miyagachhi Nayka Tola, P.S. - Patahi, Dist. - East Champaran
2. Shila Devi, Wife of Inar Paswan, Resident of village - Bokane Miyagachhi Nayka Tola, P.S. - Patahi, Dist. - East Champaran
3. Babita Devi, Wife of Raju Paswan, Resident of village - Bokane Miyagachhi Nayka Tola, P.S. - Patahi, Dist. - East Champaran
4. Mira Devi, Wife of Rama Paswan, Resident of village - Bokane Miyagachhi Nayka Tola, P.S. - Patahi, Dist. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2023 Heard Mrs. Rashmi Jha, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Patahi P.S. Case No. 90 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 325, 354(B), 379, 504 and 506 of the Indian Penal Code.

3. It is alleged that on account of land dispute, all the accused persons forming an unlawful assembly barged into the house of the informant and assaulted him and others by means



of Lathi, Danda, knife and Kharia due to which four persons of the informant's side sustained injuries.

4. Learned counsel appearing on behalf of the petitioners submits that in fact on account of land dispute a free fight took place due to which some of the persons of both sides have sustained injuries. She further submits that a complaint case, being Complaint Case No. 873 of 2018, has also been instituted by petitioner no.2 against the informant and others. That apart, the injuries which are allegedly sustained to the persons of the informant's side, have been found to be simple in nature and taking note of the aforesaid facts the police in course of investigation allowed the benefit of Section 41(A) of the Cr.P.C. to all the accused persons.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the injuries, which are inflicted upon the persons of the informant's side are simple in nature and there is admitted land dispute, apart from the case and counter case, let the petitioners, named above, in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order, be released on



bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Motihari, East Champaran in connection with Patahi P.S. Case No. 90 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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