

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37815 of 2023

Arising Out of PS. Case No.-77 Year-2021 Thana- BELAGANJ District- Gaya

1. Ram Pravesh Chaudhary Son Of Late Shiv Deni Chaudhary Resident Of Village- Fatehpur, PS- Belaganj, Distt- Gaya
2. Manish Kumar Son Of Ram Pravesh Chaudhary Resident Of Village- Fatehpur, PS- Belaganj, Distt- Gaya
3. Geeta Devi Wife Of Sunil Chaudhary Resident Of Village- Fatehpur, PS- Belaganj, Distt- Gaya
4. Sunil Chaudhary Son Of Late Shiv Deni Chaudhary Resident Of Village- Fatehpur, PS- Belaganj, Distt- Gaya
5. Urmila Devi Wife Of Ram Pravesh Chaudhary Resident Of Village- Fatehpur, PS- Belaganj, Distt- Gaya
6. Rahul Kumar @ Rahul Chaudhary Son Of Sunil Chaudhary Resident Of Village- Fatehpur, PS- Belaganj, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Adv.
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Bindeshwar Prasad Singh, learned counsel

for the petitioners and Mr. Anuj Kumar Shrivastava, learned

APP for the State.

2. The petitioners apprehend their arrest in connection
with Belaganj P.S. Case No. 77 of 2021 registered for the
offences punishable under Sections 448, 341, 323, 504, 506 and
354 of the Indian Penal Code.

3. Allegedly, on account of a land dispute, the



petitioners entered into the house of the informant and assaulted her and her family inmates due to which they sustained injury. The reason behind the occurrence is said to be the homestead land, which has got equal share in between the petitioners and the informant, who are the descendant from the common ancestor, but the petitioners forcibly encroached upon the share of the informant and constructed wall. It is further alleged that the petitioners torn the cloth of one Priyanka Kumari and tried to outrage her modesty.

4. Learned counsel for the petitioners submits that from the narration of the FIR, it is evident that both parties are descendant from the common ancestor and the occurrence arose on account of land dispute. That apart, there is a counter case being Belangaj P.S. Case No. 78 of 2021 registered by the petitioner no.1. He further submits that all the offences are bailable except Section 354, which is triable by Magistrate. He next submits that the petitioners bear no criminal antecedent and they undertake that they will not indulge in such type of offence in future.

5. On the other hand, learned counsel 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 none has sustained any injury, coupled with the fact that there is case and counter case and the fair antecedent of the petitioners, 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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Belaganj P.S. Case No. 77 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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