

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36577 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- MUFFASIL District- West Champaran

Bhagirath Prasad Chaurasiya, S/O Parsuram Prasad Chaurasiya @
Prashurama Bhagat, R/O Village. Avaraiya, Barai Tola, P.S. Bettiah Muffasil
(Banuchhapar O.P.), Dist. West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2023 Heard Mr. Sanjeev Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bettiah Mufassil P.S. Case No. 28 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 354B, 504/34 of the Indian Penal Code.

3. On account of dispute in connection with construction of the house over the portion of the land of the informant, some scuffle took place. It is specifically alleged that this petitioner assaulted the informant over her head by means of Farsa, causing serious injury. That apart, other allegations have been levelled against other accused persons.

4. Learned counsel appearing on behalf of the



petitioner submits that though the occurrence took place on 10.01.2023, but the fardbeyan was recorded on 14.01.2023 and no plausible explanation for delay has been given. There is a counter version of the alleged occurrence, being Bettiah Mufassil P.S. Case No. 81 of 2023, instituted by the brother of the present petitioner against the informant and others. While making submissions regarding the injury, he submits that the informant sustained only one injury, caused by hard and blunt object and, as such, the allegation of assault by Farsa is not corroborated, even as per the injury report. He further submits that he has been informed by the petitioner that the police after investigation, submitted charge-sheet only under Section 354 of the Indian Penal Code and the allegation of offence under Section 307 of the Indian Penal Code is disbelieved.

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 admitted land dispute between the parties, apart from the counter version, coupled with the fair antecedent and the nature of injury, let the petitioner, named above, in the event of his arrest or surrender before the court below 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Bettiah Mufassil P.S. Case No. 28 of 2023, 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 petitioner.

(Harish Kumar, J)

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