

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39256 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- MADHAURAH District- Saran

1. Dhananjay Upadhyay Son Of Mithileshwar Upadhyay Resident Of Village- Semarahiya, Ps- Marhowrah, Distt- Saran, Chapra
2. Kanhaiya Upadhyay Son Of Late Rameshwari Saran Upadhyay Resident Of Village- Semarahiya, Ps- Marhowrah, Distt- Saran, Chapra
3. Anup Saran Upadhyay Son Of Dhananjay Upadhyay Resident Of Village- Semarahiya, Ps- Marhowrah, Distt- Saran, Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Learned counsel for the petitioners submits that the petitioner no. 1 has been arrested by the police, therefore, he seeks permission to withdraw this application with regard to petitioner no. 1.

2. Permission is granted.

3. Accordingly, this application is dismissed as withdrawn with regard to petitioner no. 1.

4. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State for consideration of bail with regard to rest of the petitioners.

5. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341,



323, 324, 307, 354, 379, 504, 506/34 of the Indian Penal Code.

6. Petitioners are said to have assaulted the informant and his family member as a result of which they received injury.

7. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to land dispute. He submits that there is case and counter case between the parties and both sides have sustained grievous injury. He submits that there is no specific overt act against the petitioner no. 2. He further submits that petitioner nos. 2 and 3 have no criminal antecedent as stated in para-3 of this application.

8. Learned APP for the State opposes the prayer for bail.

9. Considering the facts and circumstances of the case and the fact that both sides have sustained grievous injury, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 court below where the case is pending/successor court in connection with Marhowrah P.S. Case No. 198 of 2023,



subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

(Anjani Kumar Sharan, J)

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