

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44157 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- ISHUPUR BARAHAT District- Bhagalpur

1. ARJUN RAVIDAS SON OF BADRI RAVIDAS RESIDENT OF VILLAGE- SAVAIYA (YADUBHALUA), PS- ISHIPUR BARHAT, DIST- BHAGALPUR
2. JITENDRA RAVIDAS SON OF ARJUN RAVIDAS RESIDENT OF VILLAGE- SAVAIYA (YADUBHALUA), PS- ISHIPUR BARHAT, DIST- BHAGALPUR
3. MITHILESH RAVIDAS SON OF JOGI DAS RESIDENT OF VILLAGE- NAYA TOLA, PS- MIRJACHAUKI, DISTT- SAHEBGANJ, AT PRESENT RESIDENT OF VILLAGE- SAVAIYA (YADUBHALUA), PS- ISHIPUR BARHAT, DIST- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambrish Kumar Jha, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 379, 354, 307 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.
4. The informant alleges that accused persons were constructing a hut on government land, on objection accused persons assaulted her and others causing injury on head and thus



she became unconscious, further Jitendra dashed her on the ground and snatched her chain thereafter Mithilesh dashed Shanti and touched her inappropriately and accused also assaulted Purushhotam and Tetar and laid foundation of the hut.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the occurrence took place on account of dispute relating to land as it is being contended by the informant that the land was a government land when the petitioners dispute the said contention and submit that they were making construction on their own private *raiyati* land, it is next submitted that no doubt the injury suffered by the injured is grievous in nature but then from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of assault is alleged against anyone, it is also submitted that informant initially alleges that on account of assault she fell down and became unconscious, but then it absolutely does not stand to reason that how could she see the occurrence thereafter.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned



counsel for the petitioners and the fact that there is no specific allegation of assault against any of the accused persons, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 the learned trial court where the case is pending/successor court in connection with Ishipur Barahat P.S. Case No. 32 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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