

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45669 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- PALANWA District- East Champaran

1. SANT UPADHYA SON OF LATE DEO SHARAN UPADHAYA R/O VILLAGE- JAIPUR, P.S.- PALANWA, DISTRICT- EAST CHAMPARAN
2. ARVIND UPADHAYA @ RAJAN UPADHYA @ RANJAN UPADHAYA SON OF NOT GIVEN IN PETITION R/O VILLAGE- JAIPUR, P.S.- PALANWA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhurendra Kumar, Adv.
For the Opposite Party/s	:	Mrs.Rita Verma, APP
		Mr. Bimlesh Kumar Pandey, Adv.
		Mr. Vikash Kumar Shukla, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

6 13-03-2023 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend arrest in connection with Palanwa P.S. Case No. 100 of 2022 registered for the offences under Section 307 and other allied Sections of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the instant case due to land dispute. Further submission is that there is allegation against the petitioner no. 1 of causing injury on the neck of the informant but the injury report does not corroborate

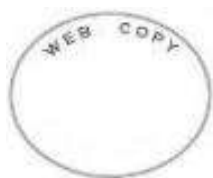


the same. It is also submitted that the petitioners have no criminal antecedent.

Learned Additional Public Prosecutor appearing for the State opposes the prayer for bail of petitioner no. 2 by contending that in the first information report, there is direct allegation against him of assaulting the informant with spade causing lacerated wound on the head which is also corroborated by the injury report. He therefore, submits that petitioner no. 2 does not deserve to be enlarged on anticipatory bail.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner no. 1 namely Sant Upadhya be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing personal bond to the satisfaction of Chief Judicial Magistrate, Motihari in connection with Palanwa P.S. Case No. 100 of 2022, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

So far as the prayer of petitioner no. 2 Arvind Upadhaya @ Rajan Upadhya @ Ranjan Upadhaya is concerned, considering that there is direct allegation of causing grievous injury on the head of the informant against him and the injury



report also corroborated the same, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. His prayer for bail is accordingly rejected.

(Arvind Srivastava, J)

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