

Arising Out of PS. Case No.-146 Year-2023 Thana- BETTIAH CITY District- West
Champaran

- Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr.Umesh Kumar Gupta
For the Opposite Party/s : Mr.Binod Kumar

3. As per prosecution case, due to land dispute petitioners and others came with lathi and Dab in their hands. It is further alleged that Sonu Mishra (Petitioner No. 2) assaulted



the informant on her head by means of Dab due to which she sustained head injury, co-accused Munna Mishra tore her Saree and Blouse, Bablu Mishra (Petitioner No. 1) snatched the Mangalsutra from her neck and Minku Mishra (Petitioner No. 3) threatened her to not construct house otherwise he would kill her.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged in the F.I.R. Petitioner no. 1 and 2 bear one criminal antecedent in which they are on bail and petitioner no. 3 bears no criminal antecedent. Learned counsel further submits that occurrence took place on 17.02.2022 and F.I.R. was lodged on 03.03.2022. There is inordinate delay of 14 days in lodging the F.I.R. without giving any satisfactory explanation. Learned counsel further submits that allegation against petitioner no. 1 is that he snatched the Mangalsutra of the informant which is nothing but super-addition, petitioner no. 2 gave Dab blow on head of the informant and as per the F.I.R., there is no allegation of repetition of blow upon the informant. The injury report indicates that injury upon the head of the victim is simple in nature. No offence under Section 307 is made out against the petitioners as there is no intention to commit the murder of



informant in the light of given facts and circumstances of the case. There is no specific overt act of assault against petitioner no. 3. Learned counsel further submits that there is land dispute between the parties and petitioners have falsely been implicated in the present case. Learned counsel further submits that in case of land dispute facts are generally exaggerated.

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

6. Considering the facts and circumstances of the case, argument advanced on behalf of the parties and also taking into consideration the materials available on record, 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 bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Nagar (Kalibagh O.P.) P.S. Case No. 146 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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