

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47913 of 2023

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

Arvind Upadhaya @ Rajan Upadhya @ Ranjan Upadhaya Son of
Shyamakant Upadhya Resident of Village - Jaitpur, P.s. - Palanwa, Distt.- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Madhurendra Kumar
For the Opposite Party/s	:	Mr. Rajesh Singh
For the informant	:	Mr. Vikash Kumar Shukla

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has filed the instant application for
grant of regular bail in a case registered for the offences
punishable under Sections 341, 323, 324, 307, 379, 504, 34 of
the Indian Penal Code.

As per allegation in the FIR, on the alleged date of
occurrence the informant was sitting at his door, all the named
accused persons along with petitioner and unknown truck driver
by forming an unlawful assembly came there and started
abusing. On instigation of co-accused Sant Upadhyay, the
petitioner assaulted the informant by spade as a result of which
the informant received cut injury on his head and then co-



accused Sant Upadhyay also assaulted the informant by iron rod and all the accused persons entered into house of the informant and committed theft of ornaments, clothes and cash of Rs. 55,000/-

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Both the parties are agnates and there is admitted land dispute between them. As per F.I.R., the petitioner was given spade blow on the head of the informant and he sustained cut injury but as per medical report, the injuries received by the informant caused by hard and blunt substances. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. It is also submitted that petitioner is languishing in judicial custody since 20.03.2023.

Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer for Bail and submitted that the informant received grievous injury.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the



petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Palanwa P.S. Case No. 100 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Raxaul, East Champaran, Motihari.

(Sunil Kumar Panwar, J)

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