

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52817 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- CHORAUT District- Sitamarhi

1. Jodhani Das @ Yaduni Das, Son of Bikau Das, Resident Of Village - Chorout, Police Station - Chorout, District - Sitamarhi
2. Santosh Das, Son of Jodhani Das @ Yaduni Das, Resident Of Village - Chorout, Police Station - Chorout, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Uday Kumar, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Chorout P.S. Case No. 38 of 2023, registered for the offences punishable under Sections 341, 323, 354B, 379, 307, 448, 504 and 506/34 of the Indian Penal Code.

3. Allegedly, on account of a land dispute between the parties, the FIR named accused persons, including the petitioners variously armed with iron rod, lathi and danda entered into the house of the informant, while she was alone. Petitioner no. 2 tried to outrage her modesty whereas, the



petitioner no. 1 assaulted the husband of the informant by means of iron rod due to which he sustained injury. There is also allegation of theft and snatching against other co-accused persons.

4. Learned counsel appearing on behalf of the petitioners submits that from the narration of the FIR, it is evident that the genesis of the occurrence is said to be a land dispute. He further submits that there is a counter version of the present occurrence being Chorout P.S. Case No. 39 of 2023 registered by the wife of the petitioner no. 1 against the informant and others. He next submits that in fact on account of land dispute, a free fight has taken place which resulted into injuries to the persons of both the sides, however, it appears that the injuries sustained to the persons of both the sides are simple in nature, thus the same has not been discussed in the impugned order nor there is any material suggesting otherwise. He lastly submits that the petitioners are men of fair antecedent and they undertake that they will not indulge in such type of crime in future.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that specific allegation has been levelled against the petitioners.



6. Regard being had to the submissions made on behalf of the parties and considering the counter version of the present case, coupled with the fair antecedent of the petitioners and the nature of dispute, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Pupri at Sitamarhi in connection with Chorout P.S. Case No. 38 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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