

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53106 of 2023

Arising Out of PS. Case No.-244 Year-2022 Thana- JHANJHARPUR District- Madhubani

1. AKHILESH KUMAR SON OF HARI NARAYAN SINGH RESIDENT OF VILLAGE- DHEPURA PS- JHANJHARPUR (ARARIYA SONGRAM O.P.), DISTT- MADHUBANI
2. MANJU KUMARI WIFE OF AKHILESH KUMAR RESIDENT OF VILLAGE- DHEPURA PS- JHANJHARPUR (ARARIYA SONGRAM O.P.), DISTT- MADHUBANI
3. HARI NARAYAN MAHTO@HARI NARAYAN SINGH SON OF BANWALI MAHTO RESIDENT OF VILLAGE- DHEPURA PS- JHANJHARPUR (ARARIYA SONGRAM O.P.), DISTT- MADHUBANI
4. RAM KUMARI DEVI WIFE OF HARI NARAYAN MAHTO @ HARI NARAYAN SINGH RESIDENT OF VILLAGE- DHEPURA PS- JHANJHARPUR (ARARIYA SONGRAM O.P.), DISTT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 3 28-08-2023 1. Learned counsel for the petitioners submits that during pendency of this petition, petitioner no. 3 Hari Narayan Mahto alias Hari Narayan Singh has been arrested and hence, he does not want to press his prayer for anticipatory bail.
2. Accordingly, prayer for anticipatory bail of petitioner no. 3, Hari Narayan Mahto alias Hari Narayan Singh, stands dismissed as not pressed.
3. Heard learned counsel for the petitioners on behalf of Petitioner Nos. 1, 2 and 3 and learned A.P.P. for the State.



4. Learned counsel for the petitioners is permitted to make necessary correction in para 13 of main petition during course of the day.

5. The petitioners are apprehending their arrest in connection with Jhanjharpur (Arariya Songram O.P.) P.S. Case No. 244 of 2022, corresponding to G.R. No. 1792 of 2022 registered for the offences punishable under Sections 341, 323, 354(B), 393, 504 and 34 of the Indian Penal Code.

6. As per prosecution case, on 23.10.2022, petitioners arrived at informant's courtyard and started abusing her. It is further alleged that petitioner no. 1 Akhilesh Kumar molested her and tore informant's blouse and other petitioners pushed her on the earth and assaulted the informant and snatched Mangalsutra from her.

7. Learned counsel for the petitioner submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear one criminal antecedent in which they are on bail and the same was lodged by informant's side. Learned counsel further submits that the present dispute arises out of the measurement of government pavement of Khasra No. 1050 as Annexure 3 indicates that the petitioner no. 1 gave an



application to the Circle Officer, Jhanjharpur for encroachment of road against the husband of informant, thereafter Anchal Amin submitted report to the Circle Officer, Jhanjharpur dated 24.06.2019 against husband of the informant. Learned counsel further submits that there is a case and counter case between the parties. The present case is nothing but a counter blast of Jhanjharpur (Arariya O.P.) P.S. Case No. 243 of 2022 which was lodged by petitioner no. 2 against the husband of the informant of present case. In the light of aforesaid facts and circumstances of the case no offence is made out under aforesaid sections. Allegations against the petitioners are nothing just to implicate and to make pressure upon the petitioners. There is a land dispute going on between both the parties and the same is evident from Annexure 1 and 2. In the cases of land dispute, facts are generally exaggerated to frame the allegation against the persons who were associated with bonafide land dispute. No incriminating article has been recovered from the house of petitioners. Petitioners and informant are neighbors.

8. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners.

9. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also



taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Jhanjharpur, District Madhubani in connection with Jhanjharpur (Araria Songram O.P.) P.S. Case No. 244 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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