

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58361 of 2023

Arising Out of PS. Case No.-78 Year-2023 Thana- GHANSHYAMPUR District- Darbhanga

1. NIRMAL KUMAR CHOUPAL @NIRMAL CHOUPAL SON OF LATE RAJ KUMAR CHOUPAL RESIDENT OF VILLAGE- HARSINGPUR, PS- GHANSHYAMPUR, DISTT- DARBHANGA
2. BIRMAL CHOUPAL @ BIRBAL CHOUPAL SON OF LATE RAJ KUMAR CHOUPAL RESIDENT OF VILLAGE- HARSINGPUR, PS- GHANSHYAMPUR, DISTT- DARBHANGA
3. SHARWAN CHOUPAL @ SHRAWAN CHOUPAL SON OF HARIHAR CHOUPAL RESIDENT OF VILLAGE- HARSINGPUR, PS- GHANSHYAMPUR, DISTT- DARBHANGA
4. BALKARAN KUMAR @ BAL KARN CHOUPAL SON OF BRAHAMDEO CHOUPAL RESIDENT OF VILLAGE- HARSINGPUR, PS- GHANSHYAMPUR, DISTT- DARBHANGA
5. HARIHAR CHOUPAL SON OF SUBRAAN CHOUPAL RESIDENT OF VILLAGE- HARSINGPUR, PS- GHANSHYAMPUR, DISTT- DARBHANGA
6. BRAHAMDEO CHOUPAL SON OF SUBRAN CHOUPAL RESIDENT OF VILLAGE- HARSINGPUR, PS- GHANSHYAMPUR, DISTT- DARBHANGA
7. RAM PRAKASH CHOUPAL SON OF SUBRAN CHOUPAL RESIDENT OF VILLAGE- HARSINGPUR, PS- GHANSHYAMPUR, DISTT- DARBHANGA
8. SURESH CHOUPAL SON OF HARIHAR CHOUPAL RESIDENT OF VILLAGE- HARSINGPUR, PS- GHANSHYAMPUR, DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha

For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 20-12-2023 1. Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out



of Ghanshyampur Police Station Case No. 78 of 2023, dated 12.04.2023, disclosing offences under Sections 341/323/448/354(A)/427/308/379/504/506/34 of the Indian Penal Code.

3. The prosecution case, as per the First Information Report, is that on 10.04.2023, in the night, all the petitioners, armed with deadly weapons, entered in the courtyard of the informant, raised objection on construction of lavatory and broke down the constructed lavatory and assaulted the informant, alongwith his family members.
4. Learned counsel for the petitioners submits that both the parties are neighbours and there is land dispute between them. He further submits that there is a case and counter-case inasmuch as the case, Ghanshyam Police Station Case No. 79 of 2023, has been lodged by the petitioner no. 8 against the informant and his family members. The said First Information Report was lodged on the basis of fardbayan of the petitioner no. 8, which was recorded at Darbhanga Medical College and Hospital on 11.04.2023, wherein, it has been stated that injuries have also been caused to the side of the petitioners and their family members.



5. Learned counsel for the State, referring to the case dairy, submits that injury caused to the informant and others are simple in nature.
6. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are neighbours, there is land dispute between them, case and counter-case is also there and injuries caused to the victims are simple in nature, I am inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Benipur, in connection with Ghanshyampur Police Station Case No. 78 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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