

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57980 of 2023

Arising Out of PS. Case No.-344 Year-2018 Thana- MEHSI District- East Champaran

1. Laxmi Devi W/O Late Mangal Das Resident Of Village- Vimalpur Derwa,
P.S.- Mehshi, Dist.- East Champaran
2. Panchu Das S/O Late Naresh Das Resident Of Village- Vimalpur Derwa,
P.S.- Mehshi, Dist.- East Champaran
3. Meera Devi W/O Late Shambhu Das Resident Of Village- Vimalpur Derwa,
P.S.- Mehshi, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Trial No. 2527 of 2022 arising out of Mehshi P.S. Case No. 344
of 2018 dated 06.10.2018 instituted for the offence punishable
under Sections 323, 341, 447, 325, 307, 504/34 of the Indian
Penal Code.

3. The prosecution case, in short, is that due to a land
dispute, on 25.09.2018 at about 10.30 hrs., petitioners along
with one other co-accused namely, Jalandhar Das, armed with
sword and iron rod, came to the house of the informant and



abused him and said to vacate the land on which his house was situated. On protest, Jalandhar Das assaulted the informant by sword, due to which he sustained grievous injuries. It is alleged that petitioners also assaulted him by iron rod.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that after investigation, the investigating officer submitted Final Form before the Court showing the petitioners 'not sent up' for trial on 30.11.2019, but the learned 6th Additional Chief Judicial Magistrate differing with the police report has taken cognizance on 01.08.2020 against the petitioners also without applying judicial mind. It is submitted that there is no specific allegation against the petitioners. Specific allegation is against the Jalandhar Das, who gave sword blow on the informant. Lastly, it has been submitted that petitioners have no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Trial No. 2527 of



2022 arising out of Mehshi P.S. Case No. 344 of 2018, they shall be released on anticipatory bail 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 6th Additional Chief Judicial Magistrate, East Champaran, Motihari subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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