

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62595 of 2023

Arising Out of PS. Case No.-266 Year-2023 Thana- HARSIDHI District- East Champaran

1. INDU DEVI W/O RAJU RAM RESIDENT OF VILLAGE - HARSIDHI PAKARIYA, P.S- HARSIDHI, DISTT.- EAST CHAMPARAN.
2. NANDLAL KUMAR RAM @ NANDLAL RAM S/O MADAN RAM R/O VILLAGE- KHIRUYA, P.S- TURKAULIYA, DISTT.- EAST CHAMPARAN.
3. SONELAL RAM S/O MADAN RAM R/O VILLAGE- KHIRUYA, P.S- TURKAULIYA, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-10-2023 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 Harsidhi Police Station Case No. 266 of 2023, disclosing offences under Sections 302, 120B, 34 of the Indian Penal Code.

3. As per the First Information Report, on 22.04.2023, in the morning, the petitioners along with other accused persons entered into the house of the informant, dragged her son, Mithun Kumar, took him towards the hut of Rakesh Ram and assaulted him by means of lathi, danda, etc. The co-accused Rakesh



Kumar stood on the chest of the informant's son and starting jumping there and on the order of petitioner No. 3, two nephews of Rakesh Ram caught hold of the legs and hands of the informant's son and started pulling him and in the meanwhile, co-accused Rajesh Ram pressed the neck of the son of the informant with the help of others due to which he died.

4. Learned Counsel for the petitioners submits that there is a land dispute between the parties and the petitioners are the co-sharers of the informant's family. He further submits that there is no specific allegation against the petitioner No. 1 and 2 and petitioner No. 3 is said to be an order giver. There is specific allegation against the co-accused Rakesh Ram and Rajesh Ram that they stood on the chest of the informant's son and pressed the neck of the informant due to which he died.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-sharers, there is a land dispute between them, there is no specific allegation against petitioner No. 1 and 2, accordingly, I am inclined to grant anticipatory bail to petitioner No. 1 and 2 and so far as the petitioner No. 3 is concerned, he is said to be the order giver, accordingly, I am not inclined to grant anticipatory bail to petitioner No. 3 and the same is rejected.



6. However, if the petitioner No. 3 surrenders before the Court and seeks regular bail, the same shall be considered on its own merit without being prejudiced to the fact that the anticipatory bail application of petitioner No. 3 has been rejected by this Court.

7. This application, with regard to the prayer for anticipatory bail to petitioner No. 1 and 2 is, accordingly, allowed.

8. Let the petitioner, Indu Devi, Nandlal Kumar Ram @ Nandlal Ram, 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 Chief Judicial Magistrate, East Champaran at Motihari, in connection with Harsidhi Police Station Case No. 266 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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