

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66745 of 2023

Arising Out of PS. Case No.-719 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Paltan Sah Son of Late Shankar Sah R/o vill - Tikaita, P.S. - Turkaulia, Distt. -
East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP
Mr. Ajay Kumar Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Turkauliya P.S. Case No. 719 of 2023, lodged on 22.06.2023,
under Sections 147/149/447/341/323/308/427/384/504/506/379
of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against five named accused persons. The specific
allegation against the petitioner and others that they have
assaulted the informant in which the informant had sustained
injuries and four ribs of his chest has been fractured.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He



submits that the allegation as transpires from the FIR is based on land dispute. Counsel for the petitioner further submits that from the FIR itself transpires that the date of occurrence is 03.06.2023 whereas the case has been lodged on 22.06.2023 i.e., after the fardbeyan has been prepared on 08.06.2023 at about 18 days of the alleged occurrence. Counsel submits that there are two criminal cases pending against the petitioner and petitioner is in custody since 15.07.2023. He submits that in both the cases he is on bail.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the Opposite Party vehemently opposes the prayer for bail and submits that the land on which the accused persons are creating trouble is the decreed land from the Court in favour of the informant, but even then the petitioner and other accused persons are continuously disturbing the decree-holder in use of his land. Counsel submits that the injury report has been annexed by the petitioner himself, which is Annexure-2. The injury report indicates that the 4th, 5th, 6th and 7th ribs of the left chest of the informant have been fractured. Allegation is specific that they have caused injury in such a way that the four ribs of the chest has been broken.



7. After going through the contents of the FIR, it transpires to this Court that it is the extreme situation of lawlessness at the hand of the accused persons, particularly, when the decree has been passed in favour of the informant and on his land, in whose favour decree has been made, the accused persons including the petitioner are creating disturbance and this disturbance is not by virtue of filing cases etc.; rather by virtue of creating criminal act. This Court cannot tolerate this thing and, therefore, I am not inclined to grant bail to the petitioner. Hence, the application is hereby rejected.

(Dr. Anshuman, J)

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