

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12518 of 2024

Arising Out of PS. Case No.-590 Year-2023 Thana- HARSIDHI District- East Champaran

1. Ram Babu Das S/O RAMASHARY DAS @ RAMASHRAY DAS R/O VILLAGE- GHOGARHAR BAIRIYA, PS.- HARSIDHI, DIST.- EAST CHAMPARAN, MOTIHARI.
2. CHHOTELAL DAS S/O RAMASHARAY DAS @ RAMASHARY DAS R/O VILLAGE- GHOGARHAR BAIRIYA, PS.- HARSIDHI, DIST.- EAST CHAMPARAN, MOTIHARI.
3. GUDDU KUMAR S/O RAM BABU DAS R/O VILLAGE- GHOGARHAR BAIRIYA, PS.- HARSIDHI, DIST.- EAST CHAMPARAN, MOTIHARI.
4. VIKASH KUMAR S/O VIJAY DAS R/O VILLAGE- GHOGARHAR BAIRIYA, PS.- HARSIDHI, DIST.- EAST CHAMPARAN, MOTIHARI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 14-03-2024 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. 590 of 2023, dated 06.10.2023, disclosing offences under Sections 341/323/427/504/506/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 06.10.2023, in the morning, all the accused persons, total seven in numbers, arrived at the house of the informant and started demolishing it. Upon objection,



the co-accused Babuakant Das assaulted the informant by means of farsa. When the brother-in-law (bhaisur) of the informant intervened, the petitioner nos. 1 and 2 assaulted them by means of iron rod on their heads due to which they sustained injury. The daughter-in-law of the informant was also assaulted by the petitioner nos. 3 and 4 by means of iron rod.

4. Learned Counsel for the petitioners submits that both the parties are co-sharer and there is land dispute between them. He next submits that proceeding under Section 144 of the Code of Criminal Procedure is pending between the parties. The injury caused to the victims are not serious in nature, which would be evident from the injury report. Learned counsel further submits that there is counter case also lodged by the side of the petitioners bearing Harsidhi Police Station Case No. 600 of 2023.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-sharer, there is land dispute between them and case and counter case is also there, I am inclined to grant the petitioners privilege of anticipatory bail.



6. This application is, accordingly, allowed.
7. 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) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Motihari, East Champaran, in connection with Harsidhi Police Station Case No. 590 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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