

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21659 of 2024

Arising Out of PS. Case No.-310 Year-2023 Thana- LAURIA District- West Champaran

1. Bhuwali Sah son of Late Dheri Sah Village- Byaspur Pakadi Tola Ps- Lauriya Dist-West Champaran
2. Nanki Sah @ Chandan Sah son of Phareesh Sah Village- Byaspur Pakadi Tola Ps- Lauriya Dist-West Champaran
3. Naresh Sah son of Late Dheri Sah Village- Byaspur Pakadi Tola Ps- Lauriya Dist-West Champaran
4. Phareesh Sah son of Late Dheri Sah Village- Byaspur Pakadi Tola Ps- Lauriya Dist-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Lauriya P.S. Case No. 310 of 2023 for the offence punishable u/s 307, 147, 148, 341, 323, 324, 325, 379, 354, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, due to land dispute all the FIR named accused persons came and the petitioner No. 2 gave a knife blow to the informant causing a cut injury on her head. Other persons assaulted the informant with lathi, fists and slaps



causing injury to her. They also snatched Rs. 4000/- and gold and silver ornaments.

4. Learned counsel for the petitioners submits that the petitioner is innocent and has been falsely implicated in this case. The parties are close agnates and the informant is the wife of the elder brother of the petitioner No. 1 and land dispute is admitted in the FIR. The informant's side has forcibly erected a thatched hut over the land belonging to the side of the petitioners' and this is the main cause of dispute between the parties. No specific overt act has been attributed against the petitioner nos. 3 and 4. However, the allegation against the petitioner No. 1 is that of giving a lathi blow over the left palm of the informant whereas the petitioner No. 2 is alleged to have given a knife blow over the head of the informant. The allegation of theft is a super addition. There is no allegation of any intentional act to outrage the modesty of the informant. Learned counsel further submits that there is no explanation of delay of 20 days in lodging of the FIR. The petitioner Nos. 2 and 4 have got clean antecedent whereas petitioner Nos. 1 and 3 have antecedent of one more case and they are on bail in the said case.

5. Learned A.P.P. for the State has vehemently opposed



the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and considering the simple nature of injury received by the informant and further possibility of false implication, let the petitioners above named, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court concerned, Bettiah in connection with Lauriya P.S. Case No. 310 of 2023 subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Arun Kumar Jha, J)

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