

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25876 of 2024

Arising Out of PS. Case No.-178 Year-2023 Thana- GAUNAHA District- West Champaran

1. Satyam Kumar, Male, aged about 22 years old, Son of Bihari Lal Rai
2. Bihari Lal Rai, Male, aged about 50 years old, Son of Late Prasad Rai
Both are resident of Village- Belwa Bahuwari, P.S.- Gaunaha, District- Bettiah (West Champaran)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi, Female, aged about 40 years old, Wife of Om Prakash Prasad
Resident of Village- Belwa, Bahuwari, P.S.- Gaunaha, Dist.- Bettiah (West Champaran)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Digvijay Kumar Ojha, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad,APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-05-2024 Heard Mr. Digvijay Kumar Ojha, learned counsel
appearing on behalf of the petitioners and Mr. Nand Kishore
Prasad, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Gaunaha P.S. Case No. 178 of 2023 registered for the
offence(s) punishable under Sections 147, 148, 149, 341, 323,
324, 354(B), 504 and 379 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the
accused persons including the petitioners had assaulted the
informant and her son and also outraged her modesty, taking
advantage of absence of husband of the informant.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case due to a land dispute for which petitioner no.2 has already filed a Title Suit No.152 of 2023 on 21.07.2023, which is few months before lodging to the present FIR, in respect of a piece of land, appertaining to Khata No.112, Khesra No.363, an area of 1 dhur 6 dhurki. Learned counsel further submitted that petitioners are neighbours of the informant.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties and after perusing of the FIR, it appears that the informant has lodged the case against the petitioners alleging that the accused persons have thrown garbage in her courtyard which was objected, to which, all the accused persons named in the FIR including the petitioners had assaulted the informant and allegedly outraged her modesty. Information has been given on behalf of the petitioners that title suit is pending between the parties and that is the main cause of implicating them in a false case, instead of availing remedy before the District Court. The allegation is general and omnibus in nature.



I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., West Champaran, Bettiah in connection with Gaunaha P.S. Case No. 178 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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