

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44392 of 2024

Arising Out of PS. Case No.-792 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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1. BISHUNDEO SAH SON OF LATE DEVENDRA SAH RESIDENT OF VILLAGE - CHANDMARI, WARD NO. 24, P.S. - MOTIHARI, DISTRICT - EAST CHAMPARAN AT MOTIHARI
 2. SITA RAM @ RAUSHAN RATHAUR SON OF BISHUNDEO SAH RESIDENT OF VILLAGE - CHANDMARI, WARD NO. 24, P.S. - MOTIHARI, DISTRICT - EAST CHAMPARAN AT MOTIHARI
 3. HARERAM @ ROHIT KUMAR SON OF BISHUNDEO SAH RESIDENT OF VILLAGE - CHANDMARI, WARD NO. 24, P.S. - MOTIHARI, DISTRICT - EAST CHAMPARAN AT MOTIHARI
 4. RADHE @ RAHUL KUMAR SON OF BISHUNDEO SAH RESIDENT OF VILLAGE - CHANDMARI, WARD NO. 24, P.S. - MOTIHARI, DISTRICT - EAST CHAMPARAN AT MOTIHARI
 5. DEEN @ RITIK KUMAR SON OF BISHUNDEO SAH RESIDENT OF VILLAGE - CHANDMARI, WARD NO. 24, P.S. - MOTIHARI, DISTRICT - EAST CHAMPARAN AT MOTIHARI
 6. CHHOTU @ RAJHANS RATHAUR SON OF BISHUNDEO SAH RESIDENT OF VILLAGE - CHANDMARI, WARD NO. 24, P.S. - MOTIHARI, DISTRICT - EAST CHAMPARAN AT MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Binod Kumar, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-08-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 447, 448, 341, 323, 354B, 380, 504, 506 and 34 of the Indian Penal Code.

3. The prosecution case in brief is that on 12.12.2023



at about 9:30 AM, all the F.I.R. named accused persons, including these petitioners, arrived at land of informant and started construction over it. When the informant objected, all the accused persons, armed with lathi, danda and rod, assaulted informant and his family members. Thereafter, when wife of informant came to pacify the matter, these petitioners pushed her down on ground and tore her clothes and tried to outrage her modesty.

4. It is submitted by learned counsel appearing on behalf of the petitioners that from bare perusal of the F.I.R. it is apparent that there is admitted land dispute between the parties and on the alleged date and time of occurrence, these petitioners were constructing building over their land for which the informant raised objection and a scuffle took place between the parties. It is further submitted that on the application of informant, a proceeding under Section 107 of the Cr.P.C. has already been initiated and informant has also lodged a case bearing Case No. 6 of 2023-24. Allegation of assault is general and omnibus and there is no specific accusation of overt act against these petitioners. Moreover, injuries allegedly caused by these petitioners have been opined to be simple in nature. Petitioners claim clean antecedents.



5. Learned A.P.P. for the State has opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the aforesaid facts and circumstances, nature of accusation, nature of injuries sustained by the injured and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged 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 Chief Judicial Magistrate, East Champvana at Motihari, in connection with Motihari Town P.S. Case No. 792 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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