

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50395 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- CHOUTARWA District- West Champaran

1. Narbande Upadhyay @ Narmdeshwar Upadhyay @ Narvadeshwar Upadhyay, S/O Harishankar Upadhyay, R/O Village- Bawaria, P.S.- Chautarwa, Dist- West Champaran
2. Sumit Upadhyay @ Sumit Kumar, S/O Narbande Upadhyay, R/O Village- Bawaria, P.S.- Chautarwa, Dist- West Champaran
3. Raja Upadhyay, S/O Vinod Upadhyay, R/O Village- Bawaria, P.S.- Chautarwa, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-09-2024 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Chautarwa P.S. Case No. 92/2024 registered on 29.03.2024 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354B and 379 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been lodged against 10 named accused persons including the present petitioners alleging therein that all the accused persons variously armed came at the house of the informant and started abusing



the informant. On protest being made, they assaulted the informant and others causing injury to different persons.

4. Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. The specific allegation of assault with iron rod is against co-accused Pintu Mishra and Wagish Upadhyay whereas the allegation against petitioner no.1 is of snatching mobile phone while petitioner nos. 2 and 3 are alleged to have tried to outrage the modesty of the informant's wife. He further submits that from the allegation of the FIR, it transpires that both the Informant and the accused persons are adjacent neighbour and on a petty matter, the dispute has arisen between them and for the same date and place of occurrence, FIR has been lodged from both side. The petitioners' side has lodged Chautarwa P.S. Case No. 93 of 2024 whereas the informant's side has lodged the present case (Chautarwa P.S. Case No. 92 of 2024). The antecedent of the petitioners is clean.

5. Learned APP for the State opposes the prayer for bail of the petitioners.

6. In the aforesaid background, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of four



weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) each with two sureties of the like amount each to the satisfaction of the 1st A.C.J.M., Bagaha, West Champaran, in connection with Chautarwa P.S. Case No. 92/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

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