

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54850 of 2024

Arising Out of PS. Case No.-303 Year-2023 Thana- YADOPUR District- Gopalganj

1. Ram Pravesh Chaubey @ Tunna Chaubey, male, aged about 51 years, son of Late Dinanath Chaubey,
 2. Anubhav Chaubey @ Anubhav Kumar Chaubey, male, aged about 24 years, S/o Ram Pravesh Chaubey @ Tunna Chaubey,
 3. Chanda Devi, female, aged about 50 years, W/o Ram Pravesh Chaubey @ Tunna Chaubey,
All R/o Village- Baraipatti, Ward No.7, P.S.- Jadopur, Dist.- Gopalganj
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Jadopur (Yadavpur) PS Case No.303 of 2023 dated 12.12.2023,
instituted under Sections 341, 323, 324, 307, 379, 504/34 of the
Indian Penal Code.

3. The allegation against the petitioners is that on the
alleged date of occurrence on account of land dispute all the
petitioners along with two unknown persons came at the
bungalow of the elder brother of the informant and started
abusing. Then, the informant forbade them from abusing and
thereafter all the persons committed *mar-peeet* with them.



Petitioner no.1 is alleged to have inflicted sword blow on the informant resulting into head injury and the petitioner no.3 inflicted *Gadasa* blow on the informant's left leg resulting into cut injury. When the informant's elder brother came to rescue the informant, petitioner no. 2 inflicted *farsa* blow upon him resulting into cut injury on his palm. It is further alleged that they removed rupees ten thousand from the pocket of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. Both sides are agnates. There is case and counter case between the parties. Counter case i.e. Yadopur PS Case No.309 of 2023 has been lodged by the petitioner no.3 for the same occurrence in which petitioner no.3 has sustained grievous injury. It is also submitted that on account of land dispute between the parties Title Suit No.71 of 1994 has been filed by the father of the petitioner no.1 in which present informant is defendant no.8. It is further submitted that there is allegation against the petitioner no.1 of assaulting the informant on his head, but the injury report reveals that all the injuries on his person are simple in nature except injury no.4 which was on shoulder caused by hard and blunt substance. Petitioner no. 3 is



alleged to have assaulted the informant on his leg with *Gandasa*, but the injury report reveals that the said injury was caused by hard and blunt object. So far petitioner no.2 is concerned, he is alleged to have assaulted the brother of the informant on his palm. The injury report shows that all the injuries are simple in nature caused by hard and blunt substance which does not support the allegation. Lastly, it has been submitted that the petitioner no. 1 has one criminal antecedent and others have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-IV, Gopalganj, in Jadopur (Yadavpur) PS Case No.303 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

U		T	
---	--	---	--

