

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68078 of 2024

Arising Out of PS. Case No.-526 Year-2023 Thana- GOVINDGANJ District- East
Champaran

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1. Ashok Prasad Son of Sukdev Sah @ Sukdev Resident Of Village -Sirni Bazar, PO- PS- Malahi, Distt.- East Champaran
 2. Anil Sah @ Anil Kumar Son of Sahdev Prasad @ Sahdev Sah Resident Of Village -Sirni Bazar, PO- PS- Malahi, Distt.- East Champaran
 3. Santosh Kumar @ Santosh Prasad Son of Ashok Prasad Resident of Village- Sirni Bazar, P.O.- P.S.- Malahi, Distt.- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Pravin Kumar, Advocate

For the Opposite Party : Mr.Shahabuddin Azeem @ S. Azeem, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 341, 323, 324, 325, 308, 379, 504, 506/34 of the Indian Penal Code.

3. As per the prosecution case, when the informant was at his LIC Office, petitioner no.3 along with two persons, who covering their faces with mask, came there riding on motorcycle and looted Rs. 1,11,312/- and snatched gold chain worth 30000/- from the informant. During course of fleeing, Santosh Kumar was caught, then co-accused Ashok Prasad and Shukdev Prasad assaulted the informant with Daab, due to which he received injury on his head and blood started oozing.



It is further alleged that when the father of the informant came to save him, then they also assaulted him with Daab, due to which he received injury on his head. In the mean time, co-accused Mina Devi armed with Iron rod came and assaulted them, due to which left hand of the informant got fractured. Co-accused Rina Devi and petitioner no. 2 Anil Sah armed with Iron rod came and assaulted the informant due to which he received injury on his back. On seeing the villagers, all the accused persons fled away.

4. It is submitted on behalf of the petitioners that the petitioners are pattidar of the informant and also next door neighbours. Petitioners built their house on a purchased land bearing Khata No.2496 khesra No.133,228, area 3 dhurs. The said land has been purchased by the petitioner Ashok Prasad and on the alleged date of occurrence the petitioners were making boundary upon which informant and his family members came and assaulted the petitioner no. 1 Ashok Prasad causing him injury but villagers came and gave assurance to both parties that the disputed matter would be solved by Panchayati and nobody would file case. So the petitioners did not take legal action against informant side but the informant cunningly filed this case. Petitioners claim clean antecedent.



5. Considering the aforesaid facts of the case, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within eight weeks from today, let these petitioners, mentioned above, 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 Additional Chief Judicial Magistrate I, Motihari, East Champaran in Govindganj (Malahi) Police Station Case No. 526 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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