

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67652 of 2023

Arising Out of PS. Case No.-396 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Dewari Sah @ Dinanath Sah, Son of Mulchand Sah @ Mulchan Sah,
Resident of Village- Bahuari, P.s. - Lakhaura, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 29-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 396 of 2023 registered for the alleged offences under Sections 341, 323, 307, 354, 379, 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons assaulted the informant and his family members with iron rod when the informant opposed the act of co-accused Raju Sah in dashing his tractor with the tractor of the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. No occurrence as alleged has ever taken place. There is case and counter case between the parties for the same occurrence and Motihari Mufassil P.S. Case No.397/2023 has been lodged by the wife of the petitioner. The petitioner's side also sustained injury for which there is no explanation. The learned counsel further submits that in the occurrence, both sides have sustained grievous injuries. The whole occurrence took place in the background of land dispute between the parties. The learned counsel further submits that in the counter case, the persons of other side have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 05.02.2024 passed in Cr. Misc. No.79667 of 2023. The learned counsel further submits that the petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Perused the records.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the occurrence taking place in a free fight and further considering both sides sustaining injuries and also considering grant of anticipatory bail to the persons of other side in the counter case,



let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Motihari Muffasil P.S. Case No. 396 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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