

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77767 of 2024

Arising Out of PS. Case No.-219 Year-2020 Thana- CHHAURADANO District- East
Champaran

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1. Usha Devi W/O Ram Babu Yadav R/O Village- Katkenwa, P.S- Chhauradano (Mahuawa), Dist.- East Champaran, Motihari.
 2. Abhishek Kumar @ Shubham Kumar S/O Ram Babu Yadav R/O Village- Katkenwa, P.S- Chhauradano (Mahuawa), Dist.- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-11-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. This application, for grant of anticipatory bail, arises out of Chhauradano (Mahuawa) P.S. Case No. 219 of 2020, (G.R. No. 1287 of 2020), dated 25.08.2020, disclosing offences under Sections 323, 341, 324, 325, 379, 307, 504, 506 and 34 of the I.P.C.

3.The prosecution case, as per the First Information Report, is that daughter of the informant was surrounded by petitioners and other accused persons. The allegation against petitioner no. 2 is that he snatched the golden chain from the neck of the victim and petitioner no. 1 Usha Devi along with



others, assaulted the informant's daughter and also snatched her earring.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case due to previous land dispute between the parties. Both the parties are residing in the same village and are next door neighbour. The injury caused to the informant's daughter is simple in nature as would be evident from the injury report annexed as Annexure-2. Learned counsel submits that petitioners had earlier filed an anticipatory bail application before the learned Sessions Judge, East Champaran, Motihari in A.B.P. No. 2561 of 2024 which was dismissed in default. Again, a fresh anticipatory bail application thereafter was filed vide A.B.P. No. 3756 of 2024 which was dismissed on 05.09.2024 on the ground that earlier, the anticipatory bail application of the petitioners was dismissed in default.

5. Having regard to the submissions made on behalf of the parties, taking into consideration the nature of allegation, the fact that both the parties are co-villagers and neighbour, there is land dispute between them and injury caused to the victim is simple in nature, I am inclined to grant the petitioners privilege of anticipatory bail.



6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Raxaul, District-East Champaran, Motihari, in connection with Chhauradano (Mahuawa) P.S. Case No. 219 of 2020, (G.R. No. 1287 of 2020), subject to the condition laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J.)

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