

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85757 of 2023

Arising Out of PS. Case No.-404 Year-2023 Thana- HARSIDHI District- East Champaran

1. Niraj Kumar Son Of Late Janardhan Prasad Resident Of Village - Manikpur, P.S. - Harsidhi, District - East Champaran
2. Vijay Kumar @ Vijay Prasad Son Of Late Janardhan Prasad Resident Of Village - Manikpur, P.S. - Harsidhi, District - East Champaran
3. Vinod Prasad Son Of Manager Bhagat Resident Of Village - Manikpur, P.S. - Harsidhi, District - East Champaran
4. Narayan Prasad Son Of Vishwanath Prasad Resident Of Village - Manikpur, P.S. - Harsidhi, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Harsidhi P.S. Case No. 404 of 2023 registered for the alleged offence under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

03. As per prosecution case, the petitioners and other co-accused persons were constructing a house on the land of the informant and when the informant opposed their act, all of them assaulted the informant and his family members, causing a number of injuries to them.



04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The mother of petitioner nos. 1 and 2 lodged F.I.R against the informant and others on 19.06.2023 vide Harsidhi P.S. Case No. 405 of 2023, which has been registered under Sections 341, 323, 324, 307, 354(B), 379, 504/34 of IPC. The parties are agnates and land dispute is admitted. The informant's side was aggressor and came to take forceful possession over the land of the petitioners, as a result altercation and scuffling took place. In a spur of moment, free fight took place in between both the parties and both sides sustained injuries. Learned counsel further submits that injuries are non-serious and appears to be simple considering the dimensions mentioned in the rejection order of the learned court below. The petitioners are having no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that there is specific allegation against the petitioners for causing different injuries.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case in the background of land dispute and also considering the possibility of false implication, let the petitioners above named, in the even of their 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. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class/concerned court, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 404 of 2023 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

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

(Arun Kumar Jha, J)

Ashish/-

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

