

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.457 of 2025

Arising Out of PS. Case No.-697 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Gajendra Rai S/o Late Nandu Rai Resident of village - Gaibandhi (Gabandhi), P.S. - Fenhara , Phenhara, District- East Champaran
 2. Surendra Rai S/o Late Nandu Rai Resident of village - Gaibandhi (Gabandhi), P.S. - Fenhara , Phenhara, District- East Champaran
 3. Suraj Rai @ Sujay Rai S/o Pulendra Rai Resident of village - Gaibandhi (Gabandhi), P.S. - Fenhara , Phenhara, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-02-2025 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 697 of 2022, disclosing offences under Sections 147, 148, 149, 307, 323, 327, 341, 379, 380, 384, 427, 452 and 504 of the Indian Penal Code and 27 of the Arms Act, later on learned Court below took cognizance under Sections 323, 324, 341, 380, 504 and 506 of the Indian Penal Code.

3. The prosecution case, as per allegation made in complaint on 22.03.2022 in the afternoon, petitioners along with other accused persons having *lathi*, *danda* and other weapon in



their hand, arrived at the house of the complainant and started abusing and assaulting the complainant, his brother and father. It is further alleged that petitioner no. 1 and co-accused Upendra Rai wrapped *gamcha* (towel) around the neck of complainant's brother while the petitioner nos. 2 and 3 took away cash Rs. 40,000/- and ornament.

4. Learned Counsel for the petitioners submits that petitioners have falsely been implicated in this case due to longstanding land dispute between the parties. He further submits that from perusal of the complaint itself, it would be evident that the complainant has mentioned about Fenhara P.S. Case No. 113 of 2020 lodged by the complainant against all these accused persons. He next submits that the side of complainant forcibly tried to grab the land of the petitioners by filing the present case and several other cases have been lodged against the petitioners and their family members. He further submits that the father of the complainant has already lost second appeal up to this Honb'ble Court. Again a Title Suit has been filed by the complainant side bearing Title Suit No. 7 of 2015 by changing the name as Jhunu Babu and Bikau Singh which is pending before Sub-Judge, Motihari, East Champaran. He next submits that the petitioner no. 1 has also lodged Phenara P.S. Case No. 68 of 2022 against the complainant and his family members. He further submits that



injury caused to the complainant and others have not been brought on record by the side of prosecution and the criminal antecedent referred to paragraph 3 of this petition were lodged by the side of the complainant due to land dispute.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that long standing land dispute is going on between the parties and the injuries caused to the complainant and others have not been brought on record by the prosecution, 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Complaint Case No. 697 of 2022, subject to the condition laid down under Section 482 of the Bharatiya Nyaya Sanhita.

(Anil Kumar Sinha, J)

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