

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89986 of 2024

Arising Out of PS. Case No.-322 Year-2024 Thana- TURKAULIYA District- East
Champaran

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1. Raju Upadhyay Son of Late Bachcha Upadhyay Resident of village- Belwa Rai, Bairani Tola, PS -Turkauliya, District- East Champaran
 2. Puja Devi @ Puya Devi Wife of Raju Upadhyay Resident of village- Belwa Rai, Bairani Tola, PS -Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Karandeep Kumar, Advocate
For the State	:	Mr. Rajendra Nath Jha, APP
For the Informant	:	Mr. Raki Alam, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-01-2025 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 109, 76, 352, 303(2), 117(2) and 3(5) of the B.N.S..

3. The prosecution case, in brief, is that on 14.07.2024 at about 7 PM, while the informant was at her door, in the meantime, these petitioners, armed with deadly weapons, came there and started abusing the informant. Upon objection, Petitioner No. 2 assaulted on her hand with iron rod due to which her hand got fractured. It is further alleged that when sister and son of informant came to save her, Petitioner No. 1



assaulted on head of sister of informant by means of *farsa* due to which she sustained injuries on the head and thereafter both of these petitioners brutally assaulted son of informant. It is further alleged that Petitioner No. 1 also snatched gold chain from the informant.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are innocent and have committed no offence. Both parties are *Gotiyas* and due to property dispute, a scuffle took place between them in which both sides sustained injuries. There is case and counter-case between the parties. Petitioner No. 1 has got three criminal antecedents in which he is on bail and Petitioner No. 2 has got no criminal antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that petitioners are named in the F.I.R. and there is specific and direct accusation against them of assaulting informant and her family members. It is further submitted that doctor has found the injuries allegedly caused by these petitioners to be grievous in nature.

6. Considering the aforesaid facts and circumstances,



specific and direct nature of accusation and nature of injuries sustained by the injured, the prayer for grant of anticipatory bail to the petitioners is rejected.

(Prabhat Kumar Singh, J)

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