

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29794 of 2014

Arising Out of PS.Case No. -38 Year- 2014 Thana -SONBERSA District- SAHARSA

- =====
1. Maheshwar Singh @ Maheshwar Mehta Son of Late Ganeshi Singh @ Ganeshi Mehta
2. Pankaj Singh Son of Maheshwar Singh @ Maheshwar Mehta
Both Resident of Village Banni Basa, P.S.-Sonbarsa Raj, District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.31345 of 2014

Arising Out of PS.Case No. -38 Year- 2014 Thana -SONBERSA District- SAHARSA

- =====
1. Rakesh Singh S/O Chanardev Singh resident of village - Bannibasa, P.S. Sonbarsaraj, District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.35606 of 2014

Arising Out of PS.Case No. -38 Year- 2014 Thana -SONBERSA District- SAHARSA

- =====
1. Dinesh Singh Son of Subhuk Lal Singh resident of village- Banni Basa, Police Station- Sonbarsa Raj (Kashnagar O.P.), District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.29794 of 2014)

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Madan Kumar (APP)

(In Cr.Misc. No.31345 of 2014)

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh 1(APP)

(In Cr.Misc. No.35606 of 2014)

For the Petitioner/s : Mr. Rama Nand Poddar, Advocate

For the Opposite Party/s : Mr. Madan Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 24-12-2014

Heard learned counsel for the petitioners, learned A.P.P. as well as learned counsel for the informant.

The petitioners seek bail in Sonbarsa Raj (Kash Nagar O.P.) P.S. Case No. 38 of 2014, registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 302, 504 of the Indian Penal Code.

The informant Ram Pukar Singh named eight persons namely, Maheshwar Singh, Kishori Singh, Pankaj Singh, Ranjit Singh, Achhelal Singh, Dinesh Singh, Surendra Singh and Rakesh Singh and alleged that on account of land dispute they came armed with different weapons such as dabia, lathi and sickle and began to assault his brother Vijal Singh. The accused persons also assaulted his family members Ashok Singh, Mithilesh Singh, Vijay Singh, Chano Devi and Meera Devi.

Learned counsel for the petitioners submits that there is omnibus and general allegation of assault in the First Information Report. The only witness Kalita Devi, the wife of the deceased has stated in para-6 of the case diary that Dinesh Singh assaulted Vijal Singh with musal and Pankaj Singh assaulted the deceased with bricks. It is submitted that the deceased got one injury on his head as lacerated injury



1"X1/2"X 1/2" with swelling about 2"X2" at lateral middle of head caused by hard and blunt substance. Other injured persons have also got simple injuries. The occurrence took place on account of land dispute. The informant sides are the aggressor as they have come on the land of the petitioners. It is further submitted that independent witnesses Vidyanand Singh and Mahendra Singh in paras- 70 and 71 of the case diary have stated a different story and disclosed that on account of land grabbing by the informant, his brother and sons the occurrence took place.

Learned counsel for the informant as well as State has vehemently opposed the prayer for bail and submitted that wife of the deceased filed complaint case on 08.07.2014 although the occurrence took place on 23.02.2014. She made very specific allegation against Dinesh Singh and Pankaj Singh that they assaulted her husband on his head Vijal Singh died on account of injury found on the head.

On perusal of the records, it appears that the informant although named eight persons, but made omnibus and general allegation of assault on Vijal Singh and her other family members. Vijal Singh got only one injury on head. During the course of investigation the wife of the deceased and two other witnesses alleged that Dinesh Singh assaulted the deceased with musal. She also alleged that Pankaj Singh assaulted Vijal Singh with bricks. Similar is the statement in

paras- 11 and 12. The occurrence took place on account of land dispute. There is a case and counter case.

It has come that informant and deceased were aggressors and they tried to grab the land of accused. Only one injury was found on the head of the deceased that too caused by hard and blunt object. Accused side also got injuries.

Having considered the aforesaid facts that the occurrence took place due to land dispute between the parties, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Sonbarsa Raj (Kash Nagar O.P.) P.S. Case No. 38 of 2014.

(Prabhat Kumar Jha, J)

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