

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24195 of 2015

Arising out of PS.Case No. -110 Year- 2015 Thana -DALSINGHSARAI District- SAMASTIPUR

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1. Kedar Rai, Son of Ram Udgar Rai.
 2. Ranjeet Rai, Son of Ram Udgar Rai.
 3. Neero Rai, S/o Sone Lal Rai.
 4. Asharfi Rai, Son of Sonelal Rai.
 5. Horil Rai, Son of Sonelal Rai.
 6. Ram Udgar Rai, Son of Sonelal Rai.
 7. Ram Karan Rai, S/o Neero Rai.
 8. Waso Rai, Son of Uchit Rai.
 9. Surendra Rai @ Teena, Son of Rameshwar Rai.
 10. Dharmendra Rai, Son of Rameshwar Rai
 11. Ram Swarth Rai Son of Ram Udgar Rai. All residents of village- Gaddo Bajitpur, Tola- Kurni, P.S.- Dalsinghsarai, District- Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pramod Kumar Singh, Advocate.

For the Opposite Party : Mr. Uday Chandra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2015 The petitioners are apprehending their arrest in connection with Dalsingsarai P.S. Case No. 110 of 2015 for the offences instituted under Sections 147, 148, 149, 323, 324, 307, 337, 353, 427, 435, 504 and 506 of the I.P.C.

Heard learned counsel for the petitioners and learned counsel for the State.

The prosecution story, in brief, is that in compliance of Letter No. 222/Con. Dated 20.03.2015 of S.D.O., Dalsingsarai and Memo No. 575 dated 17.03.2015 of S.P., he went to deliver possession in favour of decree-holder Prem Saran Choudhary on

22.03.2015. The police party was also alongwith him he tried to pacify Ram Udgar Rai and his sons who constructed hut on the land of Prem Saran Choudhary and asked to remove the same but in spite of long persuasion they do not became agree. As soon as he started to remove the hut of the petitioners Ram Swarath Rai, Kedar Rai, Ranjeet Rai, Sunil Rai, Neero Rai, Asharfi Rai, Horil Rai, Ram Udgar Rai, Ram Rai, Baso Rai, Surendra Rai @ Teena, Dharmendra Rai alongwith 50 male and female armed with deadly weapon reached there and started to chant slogan against administration in spite of persuasion, they started to assault to decree-holder. Dharmendra Rai, Kedar Rai and Sunil Rai armed with lathi and Ram Swarath Rai armed with sickle assaulted Prem Saran Choudhary due to which he sustained injuries. When they tried to save Prem Shankar Choudhary then Ram Udgar Choudhary set fire in the hut. He informed to the fire brigade. The accused caused damage of motorcycle of decree-holder. One Sunil Rai was apprehended on the spot. During the course of investigation, witnesses examined in para nos. 7,19,20, 23 and 24 of the case diary have supported the prosecution version in their respective statement before the I.O. Oral testimony finds support and corroboration from medical testimony.

It has been submitted on behalf of the petitioners that the petitioners have been made accused due to mistake of fact. It is

further submitted that it relates to civil nature. It is further submitted that these petitioners are ready to deposit amount of Rs. 5,000/- each in the court below which shall be subject to final disposal of the case.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances it is directed the petitioners to deposit amount of Rs. 5000/- each in the court below which shall be subject to final disposal of the case, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of four weeks from today in connection with Dalsingsarai P.S. Case No. 110 of 2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Dalsingsarai, Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)