

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31200 of 2015

Arising out of PS.Case No. -91 Year- 2014 Thana -BISHWAMBHARPUR District- GOPALGANJ

1. Dilchand Ram.
2. Goipchand Ram.
3. Premchand Ram. All 1 to 3 Sons of Late Tilakdhari Ram.
4. Rakesh Ram, Son of Motichand Ram.
5. Jitendra Ram, Son of Late Sakhichand Ram.
6. Anil Ram, Son of Lakhichand Ram.
7. Prabha Devi, Wife of Gopichand Ram.
8. Uma Devi, wife of Dilchand Ram.
9. Umrawati Devi, Wife of Premchand Ram.
10. Laxima Devi, wife of Dinesh Ram. All are residents of village - Sallehpur P.S. - Bishambharpur, District - Gopalganj.

.... .... Petitioner.

Versus

The State of Bihar.

.... .... Opposite Party

**Appearance :**

For the Petitioners : Mr. Javed Aslam, Advocate.  
For the Opposite Party : Mrs Renu Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
ORAL ORDER

2      31-07-2015      Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner nos. 2 and 4 since they have been arrested.

Permission is accorded.

Accordingly, the anticipatory bail application on behalf of petitioner nos. 2 and 4 is dismissed as withdrawn.

The petitioners are apprehending their arrest in connection with Bishambharpur P.S. Case No. 91 of 2014 for the offences instituted under Sections 147, 148, 149, 341, 323, 325, 307, 385,

387, 504 of the I.P.C. and 27 of the Arms Act.

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

The prosecution story, in brief, is that on 15.11.2014 at 9.30 A.M., the informant lodged information with Bishambharpur Police Station stating that in the year 1935 his grand-father has purchased land bearing Khata No. 166, Plot No. 782, Area 1 Katha 16 Dhurs situated adjacent to his house from Saral Mahto, opposite party claimed on the said land. A suit was filed and the same was decided in his favour. Opposite Party preferred an appeal in the Hon'ble High Court and the same was dismissed. The informant tried to construct boundary wall over the said land. Opposite party opposed the same and demanded rupees two lakh as rangdari. The opposite party threatened to capture the land in absence of payment of rangdari. On 14.11.2014 at 7.30 P.M., Dilchand Ram came to the house of the informant and asked about the date of giving rangdari. On refusal, he told that he would break the hut over the land and capture the same. On 15.11.2014, F.I.R. named fifteen accused persons including the petitioners having arms came over the land and started to break hut. On protest, the accused persons started to abuse the informant. Dilchand Ram fired upon the informant from the country made pistol, the same

did not hit to the informant. Hearing the sound of firing, Awadhesh Kumar brother of the informant came there. Motichand Ram gave Farsa blow on his head. He sustained injury and fell down on the ground. Dinesh Ram got injured to Madan Mohan Ram by giving Dab blow on his head. Rest accused persons assaulted to Pankaj Kumar and Pawan Kumar sons of the informant by lathi, danda and bricks.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is admitted land dispute between the parties regarding which a suit has also been filed. It is a case and counter case. Counter case is annexure-2 to the present application. It is further submitted that the injury has been sustained on the part of the petitioners' side also which has not been explained by the prosecution which casts a serious doubt upon the prosecution 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, let the petitioners except petitioner nos. 2 and 4 above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Bishambharpur P.S. Case No. 91/2014 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 C.J.M., Gopalganj, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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**(Sudhir Singh, J)**