

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42257 of 2015

Arising Out of PS.Case No. -145 Year- 2015 Thana -BATHNAHA District- SITAMARHI

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1. Ram Ishwar Rai Son of Rajdeo Rai Resident of village - Sirsiya, P.S.
Bathnaha, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 15-10-2015 Heard the learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner, namely, Ram Ishwar Rai apprehends his arrest in Bathnaha P.S. Case No.145 of 2015 under Sections 341, 147, 148, 323, 324, 379, 307, 504 and 506 of the Indian Penal Code.

The learned counsel for the petitioner submitted that the parties are Gotias and there was altercation between both the parties in connection with tying buffalo and thereafter it is alleged that this petitioner assaulted with *farsa* and co-accused assaulted with *lathi* on the informant. The learned counsel for the petitioner further submitted that there was land dispute between the parties as they are Gotias and the occurrence took place at the spur of the

moment, as such, no case under Section 307 I.P.C. is made out.

Considering the nature of allegation and the facts that there is dispute between them and the Marpit was started at the spur of the moment, I direct the petitioner named above to surrender before the court below within one month from today and on his so surrendering, the court below is directed to release the petitioner on bail on furnishing bail bond of Rs.5,000/-(Rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No.145 of 2015 subject to the condition as laid down under Section 438(2) Cr.P.C..

(Mungeshwar Sahoo, J)

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