

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41555 of 2015

Arising Out of PS.Case No. -74 Year- 2015 Thana -SIRDALA District- NAWADA

1. Ramashish Sharma
2. Bablu Mistry@Bablu Sharma Both son of Bundi Sharma Resident of Village Velba Tand P.s Sirdalla District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-10-2015 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sirdalla P. S. Case No. 74/2015 registered under Sections 147, 149, 323, 307, 504 and 341 of the Indian Penal Code.

The prosecution case is that on 28.04.2015 at about 5.45 P.M. the informant gave his statement before the police officer of Nawada Town P.S. stating therein that the informant has five brothers and partition has already been made with regard to the landed property and he has some land in Delhi and sold the same. On this, the informant's elder brother Ramashish Sharma, younger

brother Bablu Sharma came at 08 A.M. to his house and started abusing for the alleged sale of land. In the meantime, his nephew Chandan and Kundan, Bhabhi Manju Devi and Rubi Devi came there and they also started abusing and when the informant and his other brother Balmiki Sharma protested, all having lathi and khanti in their hand attacked due to which his brother Balmiki Sharma sustained head injury. All the accused persons started inflicting lathi blow indiscriminately due to which the informant sustained head injury and his wife Pratima Devi and younger brother, Balmiki Sharma also received injury.

It has been submitted by the learned counsel for the petitioners in paragraph-3 of this application that they have clean antecedent and because of land dispute regarding joint family property, this sort of occurrence has been alleged against the petitioners, who are full brothers of the informant. The learned counsel for the petitioners further submits that they have been falsely implicated as dispute being civil in nature, the injury caused was also simple.

Be that as it may, in case of arrest or surrender within a period of four weeks from today before the Court below, the above named petitioners will be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Sirdalla P.S. Case

No. 74 of 2015, subject to the conditions as laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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