

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52260 of 2015

Arising Out of PS.Case No. -357 Year- 2015 Thana -GOPALGANJ CITY District- GOPALGANJ

1. Satan Bhagat @ Satan Bhagan @ Satan Prasad son of Late Jaykishun Bhagat Resident of village- Amwan Mausam (Amwa Maujam), Police Station- Gopalganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.53075 of 2015

Arising Out of PS.Case No. -357 Year- 2015 Thana -GOPALGANJ CITY District- GOPALGANJ

1. Chhotelal Bhagat son of Late Motilal Bhagat Resident of village- Amwan Mausam (Amwa Maujam), Police Station- Gopalganj, District- Gopalganj.

.. Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.52260 of 2015)

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. M.Dayal(App)

(In Cr.Misc. No.53075 of 2015)

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. M.Dayal(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-12-2015

Since both the bail applications arise out of the

same police station case, therefore, they have been heard together

and are being disposed of with this common order.

Heard learned counsel for the petitioners and the

State along with the learned counsel for the informant.

The petitioners apprehend their arrest in

Gopalganj Town P.S. Case No. 357 of 2015 for offences alleged

under sections 341, 323, 447, 427, 307, 379, 504/34 of the Indian Penal Code.

The prosecution case is based on the fardbeyan of one Dewta Nand Prasad. The informant has alleged that on 18.08.2015 at about 7.00 P.M. on information of his daughter Soni Kumari he went to accused Satan Bhagat and Chhotelal Bhagat and asked why they cut out the maize and bajara crops from his field and they replied that they have cut maize from their share of land and started abusing him and when the informant made protest, then other co-accused named in the first information report armed with Lathi, Danda and Dab came and accused Satan Bhagat and Chhotelal Bhagat assaulted him with Lathi on his elbow and when his daughter Punam Devi came in rescue, she was also assaulted by Dab by accused Shambhu Bhagat and when his wife Tetari Devi came to save him, the inmates of the accused by catching her hair thrashed her and assaulted her with Labda with a view to kill her. It is alleged that other accused persons also assaulted the informant with lathi with a view to kill him.

It has been submitted by the counsel for the petitioners that they have clean antecedent as is evident from paragraph three of this petition. It has further been submitted that

there is land dispute between the parties and a counter case has been filed against the informant by the brother of the petitioner on the same day bearing Gopalganj P.S. Case no. 359 of 2015 regarding the same altercation between the parties. It has been submitted by the counsel for the informant that the injury caused on the informant specified the injury no.1 as grievous in nature. But from perusal of Annexure-2 of this petition which is injury report of informant, injury no.1 is swelling and fracture of left forearm. However the counsel for the petitioners submit that as a result of altercation between the petitioners and the informant both sides sustained injuries and injury no.1 on the informant cannot be termed as grievous.

Be that as it may, let the above named petitioners of both the applications, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 357 of 2015, subject to the conditions as laid down under section 438(2) Cr.P.C.

(Nilu Agrawal, J)

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