

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2473 of 2015

Arising Out of PS.Case No. -59 Year- 2014 Thana -DARPA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Nawal Patel Son of Late Basudev Patel
 2. Bharat Patel, son of Late Gyani Patel
 3. Makka Patel, S/o Late Gyani Patel
 4. Ramesh Patel, S/o Lakshmi Patel All are resident of village- Gamhariya Kala, P.S.- Darpa, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Pradip Nr. Kumar (App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 30-01-2015 Heard both sides.

The petitioners apprehend their arrest in Darpa P.S.
Case No. 59 of 2014, registered for the offences punishable under
Section 307 and other Sections of the Indian Penal Code.

Manoj Kumar Patel, the informant named eight
persons Suman Patel, Nawal Patel, Bharat Patel, Makka Patel,
Harishankar Patel, Udai Patel, Lakshmi Patel and Ramesh Patel
and alleged that they all having different weapons in their hands
came to construct house on the land of the informant Khesra No.
2136 of Khata No. 18 and on objection made by the informant
Suman Patel assaulted Rammati Devi with Pharsa which hit on her

palm. Nawal Patel and Bharat Patel assaulted Umesh Patel with spear and Pharsa. Lakshmi Patel and Ramesh Patel assaulted Saheb Patel causing head injury to him. Ramesh Patel assaulted the niece of the informant and his sister-in-law.

Learned counsel for the petitioners submits that the petitioners are innocent. There is case and counter case. On account of the land dispute the occurrence took place. The petitioners also received injury on account of assault given by the informant and others.

On perusal of the record, it appears that the occurrence took place on account of land dispute. Rammati Devi, Saheb Patel, niece of the informant and sister-in-law of the informant got simple injuries on account of assault made by Nawal Patel and Bharat Patel. Umesh Patel got three injuries out of which one injury is incised on head which is opined to be grievous in nature.

Considering the facts that on account of assault made by the petitioners Nawal Patel, Makka Patel and Ramesh Patel simple injuries are caused accordingly, they Nawal Patel, Makka Patel and Ramesh Patel petitioner nos. 1, 3 and 4, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this

order, are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri K. Prasad, the learned Judicial Magistrate 1st Class, Raxaul at Motihari in connection with Darpa P.S. Case No. 59 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as the case of petitioner no. 2 Bharat Patel is concerned, he is alleged to have assaulted Umesh Patel with Pharsa on head and one grievous injury was found on the head of Umesh Patel, hence, I am not inclined to enlarge the petitioner no. 2 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--