

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51415 of 2015

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1. Sumitra Kumari @ Sumitra Devi daughter of Pareshram Sah,
 2. Veena Devi, wife of Rajaram Sah
 3. Shanti Devi, wife of Ram Naresh Sah
 4. Rajaram Sah, son of Late Chuaa Sah
 5. Soni Devi, wife of Pareshram Sah
 6. Siyaram Sah, son of Late Chuaa Sah
 7. Anju Devi, wife of Prabhash Sah
 8. Ram Naresh Sah, son of Pareshram Sah
 9. Kuma Devi, wife of Siyaram Sah
 10. Parsuram Sah @ Pareshram Sah son of Late Chuaa Sah
 11. Prabhash Sah, son of Siyaram Sah All residents of Village- Rasulabad,
P.S.: Bakhtiyarpur, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray
For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)
For the Informant : Mr. Subhash Sharma.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 21-12-2015 Heard learned counsel for the petitioners,

learned A.P.P. for the State as well as learned counsel for the

informant.

The petitioners apprehend arrest in a case

registered for the offences punishable under sections 341, 323/34

of the Indian Penal Code and section 3(i)(x) of the S.C./S.T.

(Prevention of Atrocities) Act.

The informant alleged that his son fell down on

road and got injuries because the water was flowing on the road.

The informant went to the house of the petitioners to lodge protest and make request that water should not be allowed to flow on the road. On this the petitioners and others assaulted the informant. They also abused the informant and others by naming their caste.

It is submitted that there is counter version bearing Bakhtiarpur P.S. Case No. 219 of 2014. The police after investigation submitted charge-sheet under sections 341, 323, 325/34 of the Indian Penal Code. From the side of the petitioners the injured got grievous injuries caused by hard and blunt object but the informant and others got three simple injuries.

On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that the counter case has been lodged only to make defence.

It appears that even the ladies were made accused that they have also assaulted but no specific allegation has been made against them except one Siya Ram Sah who is alleged to have assaulted Suresh Chaudhary but the injuries found on the person of the injured are simple.

Considering the fact that the occurrence took place due to flow of water on the road and there was scuffle from both sides, the petitioners above named, in the event of arrest or

surrenders in the court below within four weeks from the date of receipt/production of a copy of this order, shall be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Shailendra Kumar Singh, Judicial Magistrate, 1st Class, Saharsa in connection with Bakhtiyarpur P.S. Case No. 218 of 2014, G.R. No. 1883 of 2014 subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure, 1973.

(Prabhat Kumar Jha, J)

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