

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42975 of 2015

Arising Out of PS.Case No. -269 Year- 2015 Thana -BALIA District- BEGUSARAI

=====

1. Devashish Singh @ Devashish Prasad Singh Son of Late Ram Kripal Singh,
2. Ritesh Kumar @ Jyotiraditya Son of Devashish Prasad Singh,
Both resident of village - Sadanandpur Balachak, P.S. - Ballia, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nirmala Kumari(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-09-2015

This petition has been listed out of turn on the ground that the informant side attacked the house of petitioners and damaged the same. Though initially police force was deputed but now the same has been withdrawn hence the lone member present in the house is the wife of petitioner no. 1 whose life is at stake at the hands of informant side. A supplementary affidavit to that effect has been filed.

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 337, 307, 504, 506 of the

Indian Penal Code.

The prosecution case is that the petitioners were ploughing the land of the informant. The informant and his brother Shankar Tanti made protest, then the accused persons and 8-10 unknown started assaulting the informant's side and started pelting stones. On getting information Sudhir Tanti and Raushan Tanti along with Sunita Devi came to rescue, but they were also assaulted by the accused persons.

Learned counsel for the petitioners submits that on 16.07.2015 at 1.00 P.M. the informant of the present case along with his brother attacked on the house of the petitioners, damaged the house, furniture, window fan, generator and vehicles like jeep and motorcycle parked in the premises, leading to registration of Ballia P.S. Case No. 268 of 2015 on 16.07.2015 at 4.00 P.M. by petitioner no.2 namely Ritesh Kumar @ Jyotiraditya against the informant and his brother. The First Information Report lodged by the petitioners' side being Ballia P.S. Case No. 268 of 2015 dated 16.07.2015 registered at 4.00 P.M., whereas the present First Information Report was registered on 17.07.2015 at 9.00 A.M. for the occurrence of 16.07.2015, obviously as a counter blast to the case lodged by the petitioners' side. It is the informant side who were trying to grab the land of the petitioners' side. The

petitioners' side received grievous injuries which include the fracture of left parietal bone of skull and fracture of the 9th and 10th ribs of the right chest wall of Krishna Kumar Singh, who came to rescue the petitioners' side. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Considering the case lodged by the petitioners' side at the earlier point of time, petitioners side having received grievous injury and injury report of informant's side is not on record, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 269 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

P.K./-

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