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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9601 of 2016

Arising Out of PS.Case No. -208 Year- 2015 Thana -RUPAULI District- PURNIA

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Lochan Sharma Son of Sri Mahendra Sharma, Resident of Village - Nakdehari, P.S. - Rupouli (Mohanpur), District - Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Bijendra Kumar Singh, Advocate.
For the Opposite Party : Mr. Kanhaiya Kishore(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-03-2016 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is languishing in judicial custody since 23.11.2015 in connection with Rupauli (Mohanpur) P.S. Case No. 208 of 2015 for the offences alleged under Sections 341, 323, 325, 427, 307, 504, 506 and 34 of the Indian Penal Code.

The prosecution case in short is that the informant has stated in his written report that on 21.11.2015 at 12.30 noon the informant alongwith his son Kishori Sharma were engaged in pouring fertilizer in his Kaimi land of Khata No. 226, Khesra No. 452. In the meantime, the accused persons including this petitioner armed with Lathi, danda and Iron Rod came there. They prohibited the Informant and his son for pouring fertilizer in the

field claiming the same as their purchased land. On which some altercation took place. The accused persons abused them and they brutally assaulted the informant and his son by means of lathi, danda and Iron Rod with intention to kill them. Both of them became injured and senseless. They were brought to police station in unconscious condition. It is alleged that the accused persons brutally assaulted the son of the Informant as a result of which his leg became fractured.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated. He bears no criminal history as is evident from para-3 of the petition. It has further been submitted that the allegations are general and omnibus and a counter version of the same occurrence on the same day has been filed by the petitioner's side bearing Raupauli P.S. Case No. 209 of 2015 in which it has been categorically stated that both the sides had land dispute which is also evident from the first information report.

However, the learned APP for the State submits that the petitioner along with other accused persons is named in the FIR and opposes the prayer for bail.

Be that as it may, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten

Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Rupauli (Mohanpur) P.S. Case No. 208 of 2015.

(Nilu Agrawal, J.)

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