

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8003 of 2016

Arising Out of PS.Case No. -163 Year- 2015 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Balister Rai, Son of Bharath Rai
 2. Bilas Rai, son of Badari Rai
 3. Bharat Rai, son of Late Shiwalak Rai
 4. Gajendra Rai, son of Bilas Rai
 5. Ramesh Rai, son of Bharat Rai. All residents of village- Barharwa Kala, Tola- Barkurba, P.S.- Kotwa, District- East Champaran
 6. Subhash Rai, son of Satel Rai, resident of village- Sonrapur, P.S.- Kesariya, District- East Champaran
 7. Jokhu Rai, son of Chanar Rai, resident of village- Jagir Karariya, P.S.- Kotwa, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vidya Sagar, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-02-2016 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners apprehend arrest in connection with
Kotwa P.S. Case No. 163/15 for offences alleged under Sections
147, 148, 149, 341, 323, 324, 325, 427, 504 of the Indian Penal
Code and under Section 27 of the Arms Act.

The prosecution case, as alleged by the informant
in the written report dated 18.07.2015, but filed on 08.08.2015
before the Police Camp officer, Sadar Hospital, Motihari, is that

on 18.06.2015 at 10.00 A.M. (correct date 18.07.2015) the petitioners came in the maize field and began to damage the crops. On protest petitioner Bharat Rai ordered to kill, on which the other petitioners, except petitioner Ramesh Rai assaulted the informant, his wife and his brother.

It has been submitted by the learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated. The allegation against these petitioners is false and they have no criminal antecedent, as is evident from paragraph 3 of this petition. It has further been submitted by the learned counsel for the petitioners that there is counter-case against the informant bearing Kotwa P.S. Case No. 158/15. Counsel for the petitioner further contends that all the injuries are found to be simple in nature, except one on Subanti Devi, which only specifies swelling on right hand and whole body pain, which could not be grievous. Learned counsel for the petitioner further submits that there is controversy with regard to the date of occurrence, which has been stated by the informant to be 18.06.2015, but at some place it has been written as 18.07.2015 and the First Information Report has been lodged after much delay i.e. 08.08.2015, although, the counter-case filed by the petitioners against the informant is dated 04.08.2015. It has further been submitted by the

learned counsel for the petitioner that there is some land dispute between the petitioners and the informant's side.

Learned APP for the State, however, submits that the petitioners are named in the First Information Report.

Be that as it may, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released 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 learned Judicial Magistrate-IV, Motihari, in connection with Kotwa P.S. Case No.163/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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