

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9558 of 2016

Arising Out of PS.Case No. -342 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Ramashray Sah Son of Kodai Sah
2. Chhotelal Sah Son of Kodai Sah
3. Pramila Devi @ Parmila Devi Wife of Ramayodheya Sah
4. Murti Devi Wife of Dhruv Sah
All resident of village - Pataura, Kaswa Tola, P.S. Muffasil, District - East
Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. C.Jawahar(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 01-03-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 148, 149, 341, 323, 324, 307, 354, 379 and 504 of the Indian Penal Code.

The prosecution case is that on 18.10.2015 at 6.00 A.M. the informant Lakhindra was cultivating his land, in the meantime, seven FIR named accused persons including the petitioners came variously armed when co-accused Ram Ayodhya Sah ordered to kill for not transferring the land in



favour of the accused persons on which co-accused Ajay Sah assaulted with Farsa on the head of the informant. Petitioner no. 1 Ramashray Sah assaulted with iron rod on the leg of the informant. It is further alleged co-accused Ajay Sah tore blouse of the informant's wife and snatched gold chain worth Rs.27,000/- and son of the informant was also assaulted by the accused persons.

It is submitted by learned counsel for the petitioners that admittedly in the background of land dispute the accusation has been levelled. Though, one of the injuries on the leg of the informant has been found to be grievous. There is a counter version of the occurrence also.

A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that specific accusation of assault is against co-accused Ajay Sah and petitioner no. 1, this Court is not inclined to grant anticipatory bail to petitioner no. 1. Let the learned court below consider the prayer for regular bail of petitioner no. 1, if he surrenders before the learned court below within a period of six weeks from today.

So far as petitioner nos. 2 to 4 are concerned, since specific accusation of assault is not alleged

against them and a statement has been made in paragraph 3 of the petition that they have no criminal antecedent, let the above named petitioner nos. 2 to 4 be released on anticipatory bail, in the event of 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, East Champaran, Motihari in connection with Muffasil P.S. Case No. 342 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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