

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9528 of 2016

Arising Out of PS.Case No. -143 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Bhola Rai, Son of Late Laxman Rai
 2. Arvind Kumar @ Arbind Rai, Son of Late Kishori Rai
 3. Dharvind @ Dharvind Rai, Son of Late Kishori Rai

All are the resident of village – Maripur, P.S. Madhuban, District – East
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arif Daula Siddiquie

For the Opposite Party/s : Mr. M.K.Nirala(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 147, 149, 341, 323, 324, 307, 379 and 504 of the Indian
Penal Code.

The prosecution case is that on 30.05.2015
at about 8.00 A.M. the agnates of the informant Manjay Rai,



Arbind Rai, Dharvind, Ram Ekbal and Bhola Rai constructed hut on the land of the informant. On protest being made they started abusing the son of the informant. In the meantime, co-accused Manjay Rai assaulted the son of the informant with spear causing injury on the head and petitioner no. 2 snatched gold chain, mobile and cash of rupees fifty one thousand. When the informant came to rescue he was assaulted by co-accused Ram Ekbal Rai and petitioner Dharvind Rai with Farsa.

It is submitted by learned counsel for the petitioners that the injuries of all the three injured have been found to be simple in nature caused by hard and blunt substance whereas petitioner no. 3 and co-accused Ram Ekbal Rai alleged to have assaulted with sharp cutting weapon, like, Farsa and spear. There is counter version of the occurrence also and in the background of land dispute the accusation has been levelled.

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

Considering the aforesaid facts, let the above named petitioners 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, Motihari, District – East Champaran in connection with Madhuban P.S. Case No. 143 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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