

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18091 of 2016

Arising Out of PS.Case No. -113 Year- 2015 Thana -CHANDAULI District- GAYA

- =====
1. Sunil Prasad @ Sunil Kumar, Son of Budhan Prasad,
 2. Dinesh Prasad, Son of Late Ramkeshwar Prasad, Both Resident of Village- Kaujapi, Police Station- Chanduti, District- Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Kundan Kumar
For the Opposite Party : Mr. A.L.Pandit (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2016 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend his arrest in connection with
Chandauti P.S. Case No. 113 of 2015 for the offences punishable
under Sections 341, 323, 325, 307, 379, 504/34 of the Indian Penal
Code.

The Allegation is that these two petitioners along
with four others named in the F.I.R. brutally assaulted the
informant when he was weighing vegetables in his shop and in
course thereof also committed theft of Rs. 5,000/- cash.

It has been submitted by the learned counsel for the
petitioners that they are innocent, having no criminal antecedent
and have been falsely implicated in the aforesaid case. The injury

of the informant cannot be attributed to the petitioners and the injury has been found to be simple in nature except injury No.2 which is swelling on the right arm which has been found to be grievous. He further submits that the land dispute is going on between the parties in Title Suit No. 03 of 2011 pending in the Court of Munsif 1st , Gaya and there is a counter case filed by the wife of petitioner No.2 bearing Chandauti P.S. Case No.114 of 2015 in which after investigation has been found true.

However, the learned APP for the State submits that petitioners are named in the F.I.R. hence, opposes the prayer for bail.

Be that as it may, since there is a land dispute and counter case, let the 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 bonds of Rs. 10,000/- (Ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Chandauti P.S. Case No. 113 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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