

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17911 of 2016

Arising Out of PS.Case No. -424 Year- 2015 Thana -SIMRI BAKHTIARPUR District- SAHARSA
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1. Pankaj Kumar Singh
2. Raman Kumar Singh
3. Mukund Kumar Singh all three are sons of Late Pawan Kumar Singh
4. Rishi Raj Singh @ Mithu Singh son of Ashok Singh all residents of Village - Bharauli, P.S. - Sonbarsa Kachari District Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)
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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-05-2016 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with

Bakhtiyarpur P.S. Case No. 424 of 2015 registered for offences
punishable under Sections 147, 148, 149, 341, 323, 379, 308, 504
and 506 of the Indian Penal Code.

The prosecution case, in brief, is that on the date and
time of occurrence, while informant was getting his paddy crop
uprooted by the labourers, FIR named accused persons along with
10-12 unknown miscreants came there and started driving out the
labourers and on protest, accused Raman Singh gave lathi blow on
the head of the informant, as a result of which he fell down and

thereafter accused Mukund, Mithu @ Rishi Raj and Pankaj assaulted him due to which he became unconscious.

It has been submitted by the learned counsel for the petitioners that petitioners are innocent and there was a land dispute between the parties. It has further been submitted that a counter case regarding the same occurrence has been lodged by the petitioners, bearing Bakhtiyarpur P.S. Case No. 425 of 2015 wherein both the sides received injuries. He further submits that the injuries on the informant have been found to be simple in nature, except, injury no.2, which is fracture in the left arm. Counsel for the petitioners further submits that Title Suit No. 276 of 2008 is pending between the parties with regard to the land dispute and earlier also the petitioners had registered Saharsa P.S. Case No. 333 of 2011. He further submits that although the date of occurrence is stated to be of 06.11.2015, but the First Information Report has been lodged on 10.11.2015 and the same was sent before the learned Magistrate on 19.11.2015. Said delay creates suspicion.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the matter relates to civil

dispute and there is case and counter case between the parties, 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 like amount each to the satisfaction of Sri S.K. Singh, learned Judicial Magistrate, 1st Class, Saharsa in connection with Bakhtiyarpur P.S. Case No. 424 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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