

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23344 of 2016

Arising Out of PS.Case No. -384 Year- 2015 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

- =====
1. Jamidar Rai @ Jimdar Rai , S/o Late Sesar Rai
 2. Surendra Rai, S/o Jamidar Rai @ Jimdar Rai, both R/o village - Majhali, P.S. Bidupur, Distt. - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. S.N Shukla (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-08-2016

Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with Bidupur P.S. Case No. 384/15 for offences alleged under Sections 147, 148, 149, 341, 323, 307, 354, 379, 504 of the Indian Penal Code.

Allegation is that petitioners along with other armed with *lathi*, *danda* came to the cattle-shed of the informant. Petitioner Jamidar Rai @ Jimdar Rai ordered to kill him on account of not withdrawing the case, on which Nawal Rai gave farsa blow on the informant causing fracture injury on his head. When the wife and daughter of the informant came to save him then both the petitioners pulled them on the ground by

catching hold of their hairs, assaulted them and torn the salwar of informant's daughter with bad intention. On alarm being raised accused Nawal Rai snatched the golden chain of the wife of the informant and also threatened to kill his son.

It has been submitted by the learned counsel for the petitioner that they are innocent and the informant is their neighbour. He submits that both sides are on inimical terms and wife of one of the co-accused Nawal Rai has lodged First Information Report against the informant i.e. Bidupur P.S. Case No. 177/15. He further submits that there is a counter-case filed by the petitioners side bearing Bidupur P.S. Case No. 412/15 in which the allegation upon the informant side is more serious. It has further been submitted that the injury caused by one of the co-accused Nawal Rai on the informant has been found to be simple in nature and consists of no external injury. He further submits that the petitioners have a clean antecedent, as is evident from paragraph 3 of this petition and the matter relates to land dispute. It has further been submitted that the First Information Report has been lodged after three days of the occurrence and no plausible explanation has been given for such delay.

However, learned APP for the State submits that the petitioners are named in the First Information Report and

various paragraphs of the case diary also indicate long drawn enmity between the parties, hence, opposes the prayer for bail.

Be that as it may, since there is land dispute between the parties and there is case and counter-case, 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 bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 384/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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