

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44027 of 2015

Arising Out of PS.Case No. -2 Year- 2012 Thana -BANKA District- BANKA

- =====
1. Rampi Das @ Rameshwar Das, Son of Late Birju Das,
 2. Bisheshwar Das, Son of Late Birju Das,
 3. Dhaneshwar Das, Son of Late Birju Das,
 4. Mahesh Das, Son of Bisheshwar Das,
 5. Sanjay Das, Son of Bisheshwar Das,
 6. Tetari Devi @ Tetri Devi, Wife of Rampi Das @ Rameshwar Das.
 7. Sunaina Devi, Wife of Bisheshwar Das
 8. Chulhiya Devi, wife of Dhaneshwar Das
 9. Subhashini Devi, Wife of Muneshwar Das
- All are resident of Village- Maheshadih, P.S.- Banka, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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With

Criminal Miscellaneous No.48398 of 2015

Arising Out of PS.Case No. -2 Year- 2012 Thana -BANKA District- BANKA

- =====
1. Umesh Das, Son of Rameshwar Das @ Rampi Das,
 2. Raja Das, Son of Umesh Das,
- Both are resident of village - Maheshadih, P.S. - Banka, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.44027 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. A.A.Khan, APP

(In Cr.Misc. No.48398 of 2015)

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

learned APP for the State.

Petitioners apprehend arrest in connection with Banka P.S. Case No. 02/12 for offences alleged under Sections 341, 323, 307, 504/34 of the Indian Penal Code and later on Section 302 I.P.C. has been added.

The prosecution case, as per the fardbeyan of one Rekha Devi, is that on 07.01.2012 at about 6.00-6.30 A.M. while the informant along with her husband was at her house Muneshwar Das, Dinesh Das, Temho Das, Raj Kumar Das came and started abusing her and her husband. On protest they assaulted her husband by lathi, who fell down and became unconscious. Informant tried to save her husband but she was also assaulted at the hands of the accused persons. On hulla nearby people assembled and saved them from further assault. Thereafter with the help of villagers husband of the informant in unconscious position was brought to Banka Hospital for treatment. The motive behind the occurrence is the altercation, which had taken place on 06.01.2012 with regard to irrigation of land from the well.

It has been submitted by the learned counsel for the petitioners that they have no criminal antecedent and have been falsely implicated in the aforesaid case. It has further been submitted that there was certain dispute between both the sides

regarding irrigation of field from the well resulting in the said incident. Learned counsel for the petitioner further submits that they have not been named in the First Information Report and due to personal enmity have been dragged in the aforesaid case. They have not even been sent up for trial.

Learned APP, however, submits that the petitioners are not named in the First Information Report and from perusal of the case diary it appears that all these petitioners have not been sent up for trial.

Be that as it may, let petitioners, named above, in the event of their arrest or surrender before the court below within a period of six 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, Banka, in connection with Banka P.S. Case No. 02/12, G.R. No. 20/12, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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