

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34719 of 2016

Arising Out of PS.Case No. -20 Year- 2016 Thana -DESARI District- VAISHALI(HAJIPUR)

- =====
1. Bhuwaneshwar Rai @ Bhuneshwar Rai son of Late Hira Rai,
 2. Niranjana Rai @ Niranjana Kumar Son of Bokho Rai
- Both are resident of Village- Mahmudpur, Pohiyari, P.S Desari, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-08-2016

Heard learned counsel for the petitioners, learned

APP for the State and the learned counsel appearing on behalf of the informant.

Petitioners apprehend arrest in connection with Desari P.S. Case No. 20/16 for offences alleged under Sections 147, 148, 149, 323, 324, 325, 307, 379, 504 of the Indian Penal Code and under Section 27 of the Arms Act.

The allegation is that the petitioners along with other co-accused and 20 unknown persons assaulted the informant. Accused Ram Babu Rai assaulted the informant on his head and the petitioners are alleged to have given *farsa* and *hasua* blow on the legs and arms of the informant respectively.



It has been submitted by the learned counsel for the petitioners that they are innocent and both sides are inimical to each other, for which subsequently another case has been lodged by the family member of the informant bearing Desari P.S. Case No. 66/16. He submits that the injuries caused on the informant by the petitioners are on the arms and legs and Ram Babu Rai, who caused head injury to the informant, has been arrested. He further submits that there is land dispute between the parties, for which earlier also the petitioners side had lodged First Information Report against the informant side bearing Desari P.S. Case No. 268/15.

However, learned counsel appearing on behalf of the informant vehemently opposes the prayer for bail and submits that the petitioners have assaulted the informant, who is 75 years of age along with co-accused and have indulged again in assault, for which another First Information Report bearing Desari P.S. Case No. 66/16 has been lodged against these petitioners and they being habitual offender no relief be granted to them.

However, learned APP 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 land

dispute and the petitioners are the co-villagers and are on inimical terms, 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 Sri Aditya Pandey, learned Judicial Magistrate 1st Class, Vaishali at Hajipur, in connection with Desari P.S. Case No. 20/16, subject to the conditions as laid down under Section 438(2) Cr.P.C. However, it is made clear that the petitioners will cooperate with the investigation and appear before the police/ court as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds by the learned court below. It is also made clear that if the petitioners indulge in an offence of similar nature in future, the learned court below will be at liberty to cancel their bail bonds without being prejudiced with this order.

Rajesh/-

(Nilu Agrawal, J.)

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