

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29431 of 2016

Arising Out of PS.Case No. -197 Year- 2015 Thana -MOHIUDDIN NAGAR District-
SAMASTIPUR

- =====
1. Karu Rai S/o Late Heman Rai,
 2. Shambhu Rai S/o Late Heman Rai
 3. Ramadhar Rai, S/o Late Heman Rai. Both resident of Village- Ramgama, P.S.- Mohiuddinagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Meena Kumari Wife of Mukesh Kumar Singh, resident of Village- Belamegh, P.S.- Ujiaipur, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. M.Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 05-09-2016 Heard the learned counsel for the petitioners and Mr.

Dayal APP for the State.

All together 10 accused persons mostly belonging to one family have been named accuseds in Mohiuddinagar P.S. case no. 197 of 2015, initially registered under Section 307 of the IPC. Later 302 of the IPC was added.

While the informant was at his field, it is alleged that petitioner no.1 started abusing and asked to go away from the land which was protested. Subsequently, the petitioners along with other family members came armed with various weapons and

started abusing. It is alleged that they assaulted indiscriminately the informant. When the uncle of the informant came they all assaulted him with their respective weapons. The brother of the informant was also assaulted. Subsequently, the uncle of the informant died. The brother of the informant has, however, survived.

Contention of the petitioners is that this is a counter blast of the case lodged by the petitioner no.2 Shambhu Rai against the present prosecution side. The allegation is that they assaulted the family members of the informant. It is submitted that the allegations are general and omnibus. Indisputably, a land dispute is the bone of contention between the parties.

Learned APP opposed the prayer.

Considering the manner in which the occurrence has been committed in which three persons were assaulted and one of them ultimately died and other materials reflected from the record, I am not persuaded to extend them the privilege of anticipatory bail.

Prayer is, accordingly, rejected.

(Kishore Kumar Mandal, J)

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