

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37446 of 2016

Arising Out of PS.Case No. -94 Year- 2016 Thana -DIGHWARA District- SARAN

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1. Raj Nath Ram Son of Late Marai Ram
 2. Bindu Devi Wife of Raj Nath Ram
 3. Rohit Ram Son of Raj Nath Ram
 4. Sheo Nath Ram @ Sheo Nath Manjhi Son of Late Nayak Ram
 5. Bhuwan Ram Son of Sheo Ratan Ram
 6. Ashok Ram Son of Ram Nath Ram
 7. Prabhu Ram Son of Late Nayak Ram
 8. Raghu Nath Ram Son of Late Nayak Ram
 9. Kishore Ram Son of Late Nayak Ram
 10. Ravi Shankar Ram Son of Late Bahadur Ram Above all are Resident of village - Malkha Chak, P.S. Dhigwara, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Alok Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend arrest in connection with Dighwara P.S. Case No. 94/16 for offences alleged under Sections 147, 148, 341, 323, 324, 307, 448, 504 of the Indian Penal Code.

Allegation is that petitioners along with 100 unknown co-accused reached at the door of the informant and started abusing her. On protest accused persons started dragging her from the house but somehow she fled away inside the house

and saved herself. Petitioner no. 1 assaulted the Dewar of the informant sustaining cut injury on his head. On hulla husband of the informant along with villagers came to save them but the accused persons also assaulted them by sword, fasuli and other weapons injuring the family members of the informant and other villagers.

It has been submitted by the learned counsel for the petitioners that they are innocent and have committed no offence. He submits that there was a mob of nearly 100 people and there was altercation between both sides for which petitioners side also lodged Dighwara P.S. Case No. 95/16 for the same occurrence on the same day. He further submits that the dispute was with regard to panchayat election and both sides received injuries. It is submitted that the injuries on the informant side have been found to be simple in nature, as such, Section 307 I.P.C. is not made out against them and that the petitioners are innocent villagers and have no criminal history, as is evident from paragraph 3 of this petition.

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 there was a case and

counter case and both sides received injuries and the dispute was with regard to panchayat election, 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, Saran at Chapra, in connection with Dighwara P.S. Case No. 94/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Rajesh/-

(Nilu Agrawal, J.)

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