

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39801 of 2016

Arising Out of PS.Case No. -64 Year- 2016 Thana -GURARU District- GAYA

- =====
1. Briju Mallah son of Deochand Mallah
 2. Jagan Mallah son of Ram Swaroop Mallah
 3. Hagan Mallah son of Saryug Mallah
 4. Kajara Mallah son of Briju Mallah
 5. Jugal Mallah son of Ram Saroop Mallah, All are resident of village- Baiju Bigha, Mallah Toli, Police Station- Gurua, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar
For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 20-09-2016 Heard both sides.

The petitioners apprehend their arrest in Gurua P.S.
Case No. 64 of 2016, registered for the offences punishable under
Sections 341, 323, 325, 308/34 of the Indian Penal Code.

The informant alleged that Ram Swaroop Mallah,
Jagan Mallah and Jugal Mallah came and asked him to not
construct the house. The informant said that he was constructing
the house on his land. On such, Briju Mallah, Petitioner no. 1,
Kajara Mallah, Petitioner no. 4 and Hagan Mallah, Petitioner no. 3
also came there and assaulted the informant. When Chhotu
Mallah, Arvind Mallah and Chinta Devi came to save, the accused

persons also assaulted them.

It is submitted that there is omnibus and general allegation of assault. From the contents of the injury report, it appears that the injuries are simple in nature. No specific allegation of assault is made against the petitioners.

Considering the facts aforesaid and the fact that there is a land dispute between the parties and there is no specific allegation of assault against the petitioners and the injuries are simple in nature, the petitioners above named in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri G.N. Dubey, Judicial Magistrate 1st Class, Sherghati, Gaya in connection with Gurua P.S. Case No. 64 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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