

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37504 of 2016

Arising Out of PS.Case No. -75 Year- 2016 Thana -BHELDI District- SARAN

- =====
1. Mahesh Rai son of Late Dewasundra Rai
 2. Vijay Rai son of Mahesh Rai
 3. Mukesh Rai son of Mahesh Rai
 4. Santosh Rai son of Mahesh Rai
 5. Bachan Rai son of Jagarnath Rai
 6. Kishore Rai son of Chandradeo

All are resident of Village- Gopalpur, P.S.- Bheldi, District- Saran.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Smt. Pronati Singh

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

The petitioners apprehend their arrest in connection
with Bheldi P. S. Case No. 75 of 2016 for offences alleged
under Sections 147, 148, 149, 341, 323, 324, 307, 448, 435, 379
and 504 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that on 02.05.2016 at about 2 A.M. while the informant was
sleeping at his Darwaja, his pattidars Mahesh Rai, Ajay Rai,
Vijay Rai, Mukesh, Santosh and Shambhu Rai came there and
started abusing the informant and on the order of Mahesh Rai,



Ajay Rai assaulted with Khanti on the head of the informant due to which blood was oozing out and he fell down then others assaulted him with Lathi-Danda and when father and brother of the informant came for rescue, co-accused Raju Rai, Amit Rai, Jagarnath Rai, Bachan Rai, Kishore Rai came there and Jagarnath Rai assaulted father of the informant with Farsa causing injury on his head and the accused persons assaulted brother of the informant then Bachan Rai, Kishore Rai and Raju Rai committed theft in his house and Mahesh Rai applied match box to the hut of the informant and fled away. Motive behind this occurrence is said to be previous land dispute.

It has been submitted by the learned counsel for the petitioners that they are agnates, innocent and have been falsely implicated in the aforesaid case due to land dispute between both the parties. He submits that major injury has been caused by other co-accused Jagarnath Rai and Ajay Rai and other injuries are superficial. He further submits that the petitioners have no criminal history and similarly situated co-accused have since been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 28874 of 2016 vide order dated 25.07.2016.

However, learned counsel for the informant submits

that there is a specific allegation of assault by the petitioners and the petitioner No. 1 has even doused the hut of the informant side, are named in the F.I.R., hence, do not deserve the privilege of anticipatory bail.

Learned APP submits that the petitioners are named in the F.I.R., hence, opposes the prayer of bail.

Be that as it may, since the injuries caused by the petitioners have been found to be superficial and both the parties being agnates and that the petitioners have no criminal history, let the 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 only) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Chapra in connection with Bheldi P. S. Case No. 75 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

ajaypd./-

U		T	
---	--	---	--