

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37343 of 2016

Arising Out of PS.Case No. -81 Year- 2016 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Raju Rai @ Raju Yadav @ Yadav son of Munifi Rai
 2. Munifi Rai son of Late Rachhaya Rai @ Late Rachhiya Rai
 3. Nanhak Rai son of Late Bhoja Rai
 4. Chandeshwar Rai son of Late Bhoja Rai All Resident of village- Amwa,
P.S.- Jharokhar, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar 3, APP 89

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-09-2016 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Ghorasahan (Jharokhar) P.S.Case No. 81/2016 registered for
offences punishable under Sections 147, 149, 447, 504, 341, 323,
307, 354 (B), 379 and 506 of the Indian Penal Code.

The prosecution case as lodged on the basis of written
report by the informant, Kailash Rai before S.H.O., Ghorasahan
P.S. is that due to land dispute these petitioners along with co-
accused forming an unlawful assembly had came at the door of the
informant and started abusing, upon which, protest was made and



accused Chandeshwar Rai caused hurt to the informant by Farsa on his head, as a result of which blood started oozing and he fell down. When the informant's son Bachcah Rai came to save the informant, accused Raju Yadav caused hurt to him by iron rod on his head, as a result of which, blood started oozing out. When Pradeep Yadav and informant's wife Champa Devi came to save the informant, accused Anil Kumar and Nanhak Rai caused hurt to informant's son by lathi and knocked down the informant's wife after catching her hair and started removing her saree, as a result of which she became nude. Accused Raju Yadav also pressed neck of the informant. Accused Anil Kumar committed theft of Rs. 1000/- from the pocket of the informant. All injured persons were treated at Motihari.

It has been submitted by the learned counsel for the petitioners that the petitioner No. 2 is own brother of the informant and the matter relates to land dispute between the brothers in which the occurrence as alleged to have taken place. He submits that the injury on the informant and his son has been found to be simple in nature and except one injury, on which opinion has been reserved. He also submits that the petitioners have clean antecedents, as is evident from para-3 of this application. It is also submitted that Section 307 of the Indian Penal Code is not

applicable.

However, learned A.P.P. for the State submits that the petitioners are named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since the matter relates to land dispute and petitioner No. 2 and the informant are full brother and other petitioners are friends and relative of the petitioner No. 2, 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 like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Ghorasahan (Jharokhar) P.S.Case No. 81 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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