

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41238 of 2016

Arising Out of PS.Case No. -248 Year- 2014 Thana -MAHNAR District- VAISHALI (HAJIPUR)

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1. Santosh Rai

2. Raghuvir Rai @ Chhapu Rai, Both are sons of Muneshwar Rai, Both resident of Village: Fatehpur Kamali, Ward No. 9, P.S. Mahnar, District- Vaishali. Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 14-12-2016

Heard both sides.

The petitioners apprehend their arrest in Mahnar P.S. case No. 248 of 2014 under Section 307 and other Sections of the Indian Penal Code.

The informant named the petitioners along with other accused persons and alleged that they all came and tried to dispossess him from the land in question on which his hut was standing. Santosh Rai, petitioner No.1, is alleged to have assaulted the wife of informant with Garasa and Raghuvir Rai @ Chhapu Rai, petitioner No.2, is alleged to have assaulted Rajkali Devi, daughter-in-law of the informant, with Dabia, a sharp edged weapon.

The learned counsel for the petitioners submits that there is land dispute between the parties. The land in question is in possession of petitioners. Arjun Rai, the informant, is plaintiff of Title Suit No. 130 of 1997 and he filed the Title Suit for



declaration of title and recovery of possession. The suit was decreed in favour of the plaintiff but the petitioners are in possession of the land and the informant tried to dispossess the petitioners without taking legal recourse and for that some scuffle took place. The injuries found on the person of wife and daughter-in-law of the informant are simple in nature.

Considering the fact that there is bonafide land dispute, the informant himself admitted that the land is in possession of the defendants, the informant filed Title Suit for recovery of possession and the injuries caused to the wife and daughter-in-law of the informant are simple in nature, the above named petitioners, in the event of their arrest or surrender before the learned 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Vaishali at Hajipur in Mahnar P.S. Case No. 248 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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