

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45759 of 2016

Arising Out of PS.Case No. -370 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Satish Prasad @ Satish Kumar Son of Lal Babu Prasad.
 2. Manohar Prasad Son of Hareshwar Prasad.
 3. Ajeet Prasad Son of Raj Kishore Prasad.
 4. Raj Kishore Prasad Son of Late Moti Lal Prasad.
 5. Hareshwar Prasad, Son of Late Kanchan Prasad.
 6. Sunil Prasad Son of Hardeo Prasad. All resident of Village- Bahuara Bhan, Police Station- Madhubna, District- East Champaran at Motihari.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Amrendra Kumar @ Dr. Amrendra Kumar,
Advocate.

: Mr. Ravi Shanker Pankaj, Advocate.

For the Opposite Party : Mr. Sri Ram Priya Saran Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-11-2016

Heard both sides.

The petitioners apprehend their arrest in Madhuban P.S.
Case No. 370 of 2015 registered for the offences punishable under
Section 307, 436 and other Sections of the Indian Penal Code and under
Section 27 of the Arms Act.

The informant Jai Mangal Bhagat alleged that while he was
working in his field Sunil Prasad armed with rifle, Hareshwar Prasad,
petitioner no. 5 armed with country made pistol, Krishna Prasad, Satish
Prasad @ Satish Kumar, petitioner no. 1 and Raj Kishore Prasad,
petitioner no. 4 having armed with different weapons came. Harendra
Prasad came with burning stick and others were armed with sticks.

Sunil Prasad and Hareshwar Prasad fired but nobody was injured. Harendra Prasad set ablaze the thatched house situated in the land. Satish Prasad assaulted the informant with Pharsa on his head and neck. Krishna Prasad assaulted Harishankar Prasad on his head and abdomen with Pharsa. Harendra Prasad caused burn injury to Harishankar Prasad. Nagendra Prasad assaulted on the nose of Harishankar Prasad. The condition of the brother of the informant Harishankar Prasad is precarious. Raj Kishore Prasad, petitioner no. 4 assaulted Umesh Prasad. Manohar Prasad assaulted Lal Babu Prasad with Dabb. It is further alleged that land of Khesra No. 124, Khata No. 224 belongs to Sukdeo Narain Dixit and Jagdish Narain Dixit and the informant and his family members purchased the land in the year 2014-15 and they are in peaceful possession over the same land.

Learned counsel for the petitioners submits that three persons Jai Mangal Bhagat, Umesh Prasad and Lal Babu Prasad were injured from the side of the informant. Harishankar Prasad did not get any injury and no injury report was brought on record. From side of the petitioners eleven persons were injured and for that Madhuban P.S. Case No. 371 of 2015 was registered on the basis of statement of Jal Kumari Devi, W/O Hardeo Prasad. From side of the petitioners' one person namely Ganesh Bhagat died on account of the injury. The petitioners took the land from the landlord Sukdeo Narain Dixit and Jagdish Narain Dixit in the year 1988 but, the informant purchased the same land in the year 2014-15, from the descendants of Sukdeo Narain

Dixit and Jagdish Narain Dixit. Jai Mangal Bhagat, Umesh Prasad and Lal Babu Prasad got injuries which are simple in nature.

It appears that there is a case and counter case and eleven persons are said to have been injured from the side of the petitioners out of which one Ganesh Bhagat succumbed to the injuries but from the side of the informant only three persons are said to have been injured and all the three persons have got simple injuries.

Considering the facts aforesaid, 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) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-XII, East Champaran at Motihari in Madhuban P.S. Case No. 370 of 2015, 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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