

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14998 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

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1. Ramesh Sah, S/o Late Mansha Sah
2. Chandan Sah
3. Sonu Kumar
4. Jairam Kumar
5. Shri Ram Kumar
All sons of Ramesh Sah, residents of village-Chhota, Bariyarpur, P.S.-
Chhatauni, District- East Champran

.... Petitioner/s

Versus

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. U.L.Verma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-04-2016 Heard learned counsel for the petitioners and the State.

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 323, 324, 307, 325, 504, 379 of the Indian Penal Code.

The prosecution case is that on 06.02.2016 at 4.30 P.M. while the informant was constructing a room on his land, his agnates including the petitioners came variously armed and forbade to do so. It is alleged that petitioner no. 2 Chandan Sah and petitioner no. 1 Ramesh Sah assaulted the informant Niranjan Kumar indiscriminately by means of iron rod, causing injury on his head. Thereafter, petitioner no. 5,

Shri Ram Kumar assaulted the uncle of informant Birendra Sah indiscriminately by means of iron rod, causing injury on his right hand. Petitioner no. 4 Jairam Kumar and petitioner no. 3 Sonu Kumar snatched Rs. 45,000/- from the pocket of the informant and thereafter the injured was brought to the Sadar Hospital, Motihari.

It is submitted by the learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. Petitioners are agnates of the informant. There is accusation of making assault to informant Niranjan Kumar by petitioner no. 1 and 2 indiscriminately, but informant has received only one simple injury on his scalp. It is alleged that informant's uncle Birendra Sah came to rescue, then he was assaulted by petitioner no. 5 Shri Ram Kumar and Rs. 45,000/- was snatched. The only one injury of Birendra Sah has been found grievous in nature, though he was assaulted by others also, but specific accusation of assault has been levelled against petitioner no.5.

Hence, this court is not inclined to grant anticipatory bail to petitioner no. 5 namely Shri Ram Kumar.

Accordingly, the anticipatory bail application of petitioner no. 5 namely Shri Ram Kumar is rejected.

So far as petitioner no. 3 and 4 are concerned,

there is no specific accusation of assault against them. Though, there is accusation of indiscriminate assault to informant by petitioner no. 1 and 2, but only one injury simple in nature has been found hence, let the above named petitioner nos. 1, 2, 3 and 4 be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Chhatauni P.S. Case No. 42 of 2016, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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