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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25179 of 2016

Arising Out of P.S. Case No. - 195 Year - 2015 Thana - MADHUBANI TOWN District- MADHUBANI

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1. Manoj Ram, Son of Late Bittu Ram,
2. Rahul Ram @ Rahul Kumar Ram, son of Ram Babu Ram, **(Anticipatory Bail Petition of this petitioner has been disposed of as has become infructuous vide order no. 2 dated 30.06.2016)**,
3. Rohit Ram @ Rohit Kumar Ram son of Ram Babu Ram

All 1 to 3 are resident of Mohalla – Private Bus Stand, Ward No. 6, Town & P.S. & District Madhubani

4. Nityanand Mishra, son of Late Debu Mishra, resident of Stadium Road, P.S. + Town and District Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:
For the Petitioner/s : Mr. Vijay Kumar, Advocate.
For the Opposite Party/s : Mr. Ram Chandra Sahni, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 18-08-2016 Heard both sides.

The petitioner nos. 1, 3 & 4, namely, Manoj Ram, Rohit Ram @ Rohit Kumar Ram and Nityanand Mishra, apprehend their arrest in Madhubani Town P.S. Case No. 195 of 2015 registered under Section 307 and other sections of the Indian Penal Code.

The informant named the petitioners along with other accused persons and alleged that all the accused persons having armed with different weapons entered into the house of the informant. Shyam Ram assaulted the informant with sickle causing cut injury on the ear of the informant. Ram Babu Ram is

alleged to have assaulted the younger brother of the informant. Nityanand Mishra (petitioner no. 4) is alleged to have dragged the mother of the informant.

Learned counsel for the petitioners submits that there is a land dispute between the parties. Shyam Ram lodged Madhubani Town P.S. Case No. 196 of 2008 under Section 436 and other sections of the Indian Penal Code against Sunil Nayak and others. Surendra Mandal is also one of the accused in the aforesaid case. There is a counter-version bearing Madhubani Town P.S. Case No. 198/15 registered under Section 354(B) and other sections of the Indian Penal Code. Nityanand Mishra (petitioner no. 4) is alleged to have dragged the mother of the informant and he is also alleged to have given order. It is submitted that there is a case and counter-case. There is no specific allegation of assault against the petitioner nos. 1, 3 & 4.

Learned counsel appearing on behalf the informant has, however, opposed the prayer for anticipatory bail.

It appears that of course, the petitioner nos. 1, 3 & 4 are named in the FIR but there is no specific allegation against them. The allegation of assault is against Shyam Ram and Ram Babu Ram and there is a counter-version also. From the side of petitioners, Shyam Ram lodged case in the year 2008.

Considering the facts aforesaid, the above named petitioner nos. 1, 3 & 4, 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in Madhubani (Town) P.S. Case No. 195/2015, corresponding to G.R. Case No. 1221/2015, 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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