

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48678 of 2015

Arising Out of PS.Case No. -268 Year- 2015 Thana -BALIA District- BEGUSARAI

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1. Raushan Tanti
 2. Ram Prakash Tanti
 3. Sankaj Tanti
 4. Sudhir Tanti All sons of Late Ramchandra Tanti All are Resident of Village- Sadanandpur Bala Chak, P.S.- Ballia, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate.
Mr. Nilesh Kumar, Advocate
Mr. Malay Kr. Chaudhary, Advocate.

For the Opposite Party/s : Mr. Sucheta Yadav (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 29-01-2016 Heard the learned counsel for the petitioners, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioners seek bail in a case for the offences punishable under sections 147, 148, 149, 341, 448, 323, 307, 427, 337, 380, 436, 504 and 506 of the I.P.C

Allegedly, the petitioners and other FIR named co-accused and 50-60 unknown variously armed broke open the door of the house of the informant and after entering into the house damaged furnitures, Almirah and took out ornaments and further damaged the vehicles and started assaulting the informant with

butt of the rifle and when Nunu Babu @ Krishna Kumar and Omprakash Singh came for rescue they were also assaulted by bricks and butt of rifle causing head injuries to them.

Submission is of false implication and that there is case and counter case, the occurrence took place due to the land dispute, there was free fight between the parties, there was no intention to commit murder as admittedly the butt portion of the rifle was used in the crime, the allegation of taking away ornaments and other articles are super addition and the petitioners who are suffering in custody since 17.07.2015 deserve sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that Nunu Babu @ Krishna Kumar has received grievous injury and his left parietal bone of skull and 9th and 10th ribs of the right chest wall were found fractured and further Nunu Babu @ Krishna Kumar in his statement has specifically stated against Raushan Tanti and Ram Prakash Tanti that they assaulted him.

In the facts and circumstances as stated above, considering that there is case and counter case, admittedly there is land dispute between the parties and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs.

10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Begusarai in Ballia P.S. Case No. 268 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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