

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6217 of 2016

Arising Out of PS.Case No. -174 Year- 2015 Thana -CHHATAPUR District- SUPAUL

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1. Budhu Sah Son of late Kujai Sah
 2. Laxmi Devi Wife of Budhu Sah
 3. Phoolchand Sah Son of Budhu Sah
 4. Raso Devi wife of Ayoghi Singh
 5. Phoolwati Devi, Wife of Suratlal Sah, All Residents of Village Bhattawari ,Police Station Chhatapur, district Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-02-2016 Heard learned counsels for the petitioners, informant and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,341,323,324,307,504 and 379 of the Indian Penal Code.

The prosecution case is that nine accused persons including the petitioners variously armed came on the land of the informant and protested for constructing the house. It is alleged that co accused Ranjeet Sah assaulted with farsa to the informant on head, as a result she fell down when the son of the informant



came to rescue then he was assaulted by co accused Raj kumar Sah with sword. The son of the informant also fell down sustaining injury. Thereafter the husband of the informant came to rescue when he was assaulted by co accused Umesh Sah with farsa. When the brother in law of the informant came to rescue then he also was assaulted by co accused Surat Lal Sah with Dabiya. The nephew of the informant Shankar Sah was also assaulted by Umesh Sah. The accused persons took away the box containing silver jewellery and eleven thousand rupees.

It is submitted by the learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. The petitioners are simply members of mob. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

It is submitted by learned counsel for the informant that though initially the case was registered under section 307 IPC but subsequently section 302 IPC has been added and all the accused persons were sharing the common intention.

Considering the fact that specific accusation of assault is not against the petitioners and statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners be released on

anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Supaul in connection with Chhatapur P.S. Case No.174 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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