

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8036 of 2016

Arising Out of PS.Case No. -81 Year- 2015 Thana -GANGABRIDGE District-
VAISHALI(HAJIPUR)

- =====
1. Shiv Ji Rai
 2. Shiv Shankar Rai both sons of Lagan Rai
 3. Veeru Kumar @ Biru Kumar Son of Ramanand Rai All residents of village Sahdullahpur Baghmorwa, P.S. Ganga Bridge, District Vaishali

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Rabindra Kumar (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-02-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Ganga Bridge P.S. Case No.81 of 2015 registered for offences
punishable under Sections 341, 447, 323, 324, 307, 435, 436 and
379/34 of the Indian Penal Code.

The prosecution case as per the fardbeyan, the
informant has alleged that on 24.9.2015 while the informant along
with his family members was sitting at his door, in the meantime,
the petitioners along with other co-accused persons arrived there
and abused him and asked to withdraw the earlier case but the
informant refused. It is alleged that on the order of petitioner



Bhagwan Rai gave a farsa blow on the head of the informant which caused injury and accused Bhagwan Rai took gun from the unknown accused and assaulted the informant by butt of gun. Accused Manoj Rai and Shiv Shankar Rai assaulted the informant with lathi and iron rod. The accused persons set fire the palani and poultry farm. All the accused persons entered into the house of the informant and destroyed the house hold articles. Accused Bhagwan Rai and Shiv Ji Rai took out Rs.5000/- from the pocket of the informant. When the brother of the informant came to rescue then the accused Veeru Rai and Shiv Ji Rai assaulted him with lathi, fists and slaps and Sri Bhagwan Rai snatched gold chain of the informant.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case because of land dispute. It has further been submitted that earlier in fact one Anita Devi, aunt of petitioner no.2 has lodged Ganga Bridge P.S. Case No.72 of 2015 against the informant and others and the present case is a counter blast to the earlier case. In the F.I.R. itself, the petitioners contend that there is reference of an earlier case.

The counsel for the petitioners further submits that the injury report on the informant reveals that the injury is simple

in nature. It has further been submitted by the learned counsel for the petitioners that the allegation is against the petitioners and other named accused and number of other persons, hence, overt act is not attributable to the petitioners.

However, learned A.P.P. for the State submits that the petitioners along with others are named accused.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No.81 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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