

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8534 of 2016

Arising Out of PS.Case No. -226 Year- 2015 Thana -SIMRI District- BUXAR

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1. Sunil Rai, s/o Late Duniya Rai
 2. Golu Rai S/o Awadhesh Rai
 3. Awadhesh Rai S/o Late Ram Dahin Rai
 4. Munna Rai S/o Late Duniya Rai
 5. Hemant Rai @ Hemant Kumar Rai S/o Uma Shankar Rai
 6. Daya Shankar Rai S/o Late Dadhiwal Rai all are resident of Village- Simri, Muhalla- Dudhhipatti, P.S.- Simri, Dist- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Choubey

For the Opposite Party/s : Mr. Sahin Begum(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-03-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State

The petitioners apprehend their arrest in Simri P. S.
Case No. 226 of 2015 for offences alleged under sections 147,
148, 149, 323, 324, 325, 307, 379 and 506 of I.P.C.

The prosecution case is that the informant namely,
Ram Narayan Prasad, Village- Simri, District- Buxar has given
his fardbeyan before the Officer-in-Charge, Simri stating therein
that the named accused petitioners threatened to assault and to
commit loot in the cloth shop being run in a kiosk, which was on a

disputed piece of land on which the petitioners were prevented to go because of the order by the concerned Court and proceeding under Section 144. Further it was alleged that while informant was in his cloth shop, suddenly ten persons including the petitioners having hockey stick, danda, bricks and iron rod, started assaulting and abusing, due to which informant sustained serious injury and they also looted cash Rs. 6000/- and when police reached on the information given by the son of informant, they fled away.

It has been submitted by the learned counsel for the petitioners that they innocent have not committed any offence and have no criminal history. It has further been submitted that a counter case has been lodged by the petitioners' side bearing Simri P.S.Case No. 225/2015 prior to the said incident in which it has been stated that the petitioners' side also received injuries.

It has further been submitted that the injuries has found to be simple in nature and there is a property dispute between the parties and case under Section 144 lodged between parties, which was investigated by the Anchal Adhikari, Simri, which finds place at annexure-3 of this application.

Learned counsel for the petitioners further contends that the allegations are general and omnibus and injuries is not attributed singly on any one of the petitioners.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioners are named in the F.I.R.

Be that as it may, let the above named petitioners 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) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Simri P.S.Case No. 226/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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