

Arising Out of PS.Case No. -135 Year- 2013 Thana -KATRA District- MUZAFFARPUR

Arising Out of PS.Case No. -135 Year- 2013 Thana -KATRA District- MUZAFFARPUR

- Petitioner/s

1. The State of Bihar

.... Opposite Party/s

For the Petitioner/s : Mr. Pancham Lal Jaiswal, Advocate
For the Opposite Party/s : Mr. Manoj Kumar – 1, APP

2 29-08-2016 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners apprehend arrest in connection with
Katra P.S. Case No. 135/13 for offences alleged under Sections
323, 307, 354, 379, 380, 504/34 of the Indian Penal Code.

Initially a complaint case bearing Complaint Case No. 2490/ 2011 was filed by the informant, which was later on sent to the police under Section 156(3) Cr.P.C. for registration of First Information Report, on the basis of which the present First Information Report has been lodged.

The allegation is that petitioner no. 1 started

abusing sister-in-law of the informant, on which brother of the informant intervened but all the accused persons assaulted him with *lathi* and iron rod and he fell down. Informant came to save him but he was also assaulted with *lathi*, clap and iron rod and when sister-in-law of the informant came to save the informant and his brother she was also assaulted and she became partly naked. It is further alleged that petitioner no. 1 took away golden chain worth Rs. 30,000/-, clothes, Rs. 5,000/- cash and a transistor.

It has been submitted by the learned counsel for the petitioners that they are innocent and the petitioners side had lodged Case No. 2470/2011 on 01.10.2011 against the informant side and for the same occurrence informant side has also lodged a complaint case on 15.10.2011, which was later on sent for investigation. He submits that both sides are *bataidars* and the matter relates to land dispute and is the basis for such occurrence. He further submits that both sides received injuries and the injury on informant side being simple they had themselves got treated in a private hospital as there is no injury report signifying the assault. It has further been submitted that no case under Section 307 I.P.C. is made out against them and both sides are inimical to each other. He further submits that the petitioners have no criminal history, as is evident from paragraph 3 of this petition.

However, learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let 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) each with two sureties of the like amount each to the satisfaction of Sri Sukum Kumar Manjhi, learned Judicial Magistrate 1st Class, Muzaffarpur, in connection with Katra P.S. Case No. 135/13, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Rajesh/-

(Nilu Agrawal, J.)

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