

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46985 of 2016

Arising Out of PS.Case No. -127 Year- 2016 Thana -SIRDALA District- NAWADA

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1. Pradeep Prasad, Son of Mosafir Prasad.
 2. Sandeep Prasad @ Sandip Pd,. Son of Suresh Prasad.
 3. Mahendra Prasad, Son of Kapil Prasad.
 4. Mosafir Prasad, Son of Bimal Prasad.
 5. Jagni Devi, Wife of Mosafir Prasad.
 6. Pramila Devi, Wife of Pradeep Prasad.
 7. Usha Devi, Wife of Suresh Prasad.
 8. Sundari Devi, Wife of Sandeep Prasad.
 9. Nilam Devi, Wife of Kapil Prasad.
 10. Mukesh Prasad, Son of Suresh Prasad.
- All are R/o Village- Alma, P.S. Sirdala, District-Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 14-12-2016 At the very outset, learned counsel for the petitioners submits that the petitioner nos.1 and 2, above named, has already been arrested by the police and seeks permission to withdraw this application in respect of the petitioner nos.1 and 2, above named.

Permission is accorded.

Accordingly, this application in respect of the petitioner nos.1 and 2, above named, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.3 to 10 for



grant of anticipatory bail is being considered.

Heard.

The petitioner nos. 3 to 10, above named, apprehend their arrest in connection with Sirdala (Meshkaur) P.S. Case No.127 of 2016 registered under Sections 147, 148, 149, 341, 323, 447, 504, 324, 307, 506, 379 and 325 of the Indian Penal Code.

The accusation is that 12 persons, named in the F.I.R., including the petitioners blockade the road, connecting the well and house of the informant forcibly, and started to abuse reaching at the door of the informant. When the informant made protest, then the accused Kapil Prasad caused cut injury at the forehead and fracture injury at the both hands of the informant through sword. When Munki Devi, the wife of the informant, rushed to save, then the accused Suresh caused cut injury at her forehead and fracture injury at her both hands through Gadasa. When she fell down, the petitioner no.3 Mahendra Prasad caused injury to her through iron rod and snatched golden chain from her neck. At that time, the petitioner no.1 Pradeep Prasad caused injury to Umesh Prasad at his right hand through rod and petitioner no.2 Sandeep Prasad alias Sandip Pd. Caused injury to Ranjeet Prasad through iron rod on his forehead. The petitioner no.3 Mahendra Prasad also assaulted Rajesh Prasad through iron rod causing



fracture injury on his hand. At that time, the petitioner no.4, Mosafir Prasad and Suresh Prasad started assaulting them indiscriminately through lathi and the petitioner no.9 Nilam Devi, petitioner no.5 Jagni Devi, petitioner no.7 Usha Devi, petitioner no.6 Pramila Devi, petitioner no.8 Sundari Devi, Samta Devi alias Maro Devi and petitioner no.4 Mosafir Prasad having entered the house of the informant started assaulting to the ladies and children of the house of the informant.

Submission on behalf of the aforesaid petitioners is that due to dispute of the path, the occurrence of “Maar-Peet” took place between the parties in which the petitioners’ side also sustained injury regarding which Sirdala (Mashkaur) P.S. Case No.119 of the 2016 on the basis of the fardbeyan of the co-accused Kapil Prasad was instituted against the informant and his other family members. Further submission is that there is specific allegation to cause injury through sword at the head and hands of the informant is against Kapil Prasad not against the petitioners. While the allegation has been made against the petitioner no.3 Mahendra Prasad to cause injury through sword to the wife of the informant and snatch golden chain from her neck after causing assault to her by the co-accused Suresh Prasad but it appears from paragraph-45 of the case diary that the wife of the informant



although sustained injury but the description of her injury has not been detailed and she was referred to Sadar Hospital, Nawada, for treatment.

Having considered the facts and the circumstances of the case, let the petitioner nos.3 to 10, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-V, Nawada, in connection with Sirdala (Meshkaur) P.S. Case No.127 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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