

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37433 of 2016

Arising Out of PS.Case No. -66 Year- 2016 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Nand Kishore Sah
 2. Vijay Sah, both sons of Sri Rajendra Sah, resident of village - Mahanawa, P.S. Majhauria, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Bisheshwar Ram, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners apprehend arrest in connection with
Majhauria P.S. Case No. 66/16 for offences alleged under Sections
341, 323, 324, 307, 379, 504, 34 of the Indian Penal Code.

Allegation is that while the informant was
constructing his house over his own land, petitioners along with
others variously armed with deadly weapon came there and started
assaulting the informant and his family members. When his
daughter and son came to save then they were also assaulted with
farsa and *bhala* causing injuries. The accused persons also entered
the house of the informant and stolen valuables from there.



It has been submitted by the learned counsel for the petitioners that they are innocent and have not committed any offence. He submits that both sides are co-villagers and it was on the lands of the petitioners that the informant side was constructing a house. He further submits that the injury on the informant has been found to be simple in nature and there is a counter-case lodged by the petitioners bearing Majhaulia P.S. Case No. 78/16 in which allegation is that the informant side also inflicted injuries. It is submitted that the injury being simple in nature, case under Section 307 I.P.C. is not made out against the petitioners and there is general and omnibus allegation that petitioners along with all the co-accused variously armed have caused injury on the informant side. It is also submitted 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, since there is case and counter-case, petitioners having no criminal history and the injuries have been found to be simple in nature, 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 bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Majhaulia P.S. Case No. 66/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Rajesh/-

(Nilu Agrawal, J.)

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