

Arising Out of PS.Case No. -97 Year- 2016 Thana -SAHKUND District- BHAGALPUR

Arising Out of PS.Case No. -97 Year- 2016 Thana -SAHKUND District- BHAGALPUR

- Petitioner/s

1. The State of Bihar.

.... Opposite Party/s

For the Petitioner/s : Mr. Neelam Kumari, Advocate

For the Opposite Party/s : Mr Nityanand Tiwary, APP

3 15-09-2016

Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with Shahkund P.S. Case No. 97/16 for offences alleged under Sections 341, 323, 448, 307, 34 of the Indian Penal Code.

Allegation is that on the orders of Diwakar Yadav all the petitioners assaulted the informant with *lathi, danda, khanti* after entering into the house of the informant. It is alleged that the reason behind the occurrence was the land dispute.

It has been submitted by the learned counsel for the petitioners that they are innocent and have falsely been implicated in the aforesaid case. He submits that there was a land

dispute between the parties and the petitioners side has lodged a case bearing Shahkund P.S. Case No. 96/16 for the same occurrence on the same day in which both sides received injuries. He further submits that the injuries have been found to be simple in nature, hence, Section 307 I.P.C. is not made out against them and that 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 the matter relates to land dispute and there is case and counter-case, 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 learned S.D.J.M., Bhagalpur, in connection with Shahkund P.S. Case No. 97/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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