

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38773 of 2016

Arising Out of PS.Case No. -93 Year- 2016 Thana -GHANSHYAMPUR District- DARBHANGA

1. Dasai Sharma, Son of Babu Narayan Sharma.
2. Binod Sharma, son of Babu Narayan Sharma. Both are resident of Village- Borwa, Police Station- Ghanshyampur, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha
For the Opposite Party/s : Mrs. Renuka Ratnakar, A.P.P.
For the Informant : Mr. Sarbottam Kumar Sarkar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 28-09-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Ghanshyampur P.S. Case No. 93 of 2016 registered under Sections 147, 148, 149, 341, 342, 323, 324, 379 and 307 of the Indian Penal Code and 27 of the Arms Act.

The allegation of informant is that on 01.06.2016, seven persons named in the F.I.R., including the petitioners came at his door and asked to withdraw the Ghanshyampur P.S. Case No. 133 of 2015 by giving threatening of dire consequences. At that time, they started digging the soil through spade for passing over the Tractor. When the informant made protest, he was assaulted by *lathi* and stick at the head causing blood oozing

injury. In that course, father and brother of the informant came to rescue him, they were also assaulted by them.

Learned counsel appearing on behalf of the petitioners submits that in fact, occurrence took place due to land dispute of the way, in which petitioner no.1 has also sustained grievous injury and he was admitted in DMCH, where his *fardbeyan* was recorded on 02.06.2016, on which basis Ghanshyam P.S. Case No. 94 of 2016 was instituted on 08.06.2016 against the informant. It is also submitted that petitioner no.2 has falsely been implicated in this case with false allegation of firing at the time of dispute.

Having considered the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the A.C.J.M., Biroul at Benipur, Darbhanga in connection with Ghanshyampur P.S. Case No. 93 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Rajendra Kumar Mishra, J)

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