

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37466 of 2016

Arising Out of PS.Case No. -71 Year- 2016 Thana -HALSI District- LAKHISARAI

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1. Asha Devi, W/o Chaturi Sah @ Chaturi Sao
2. Sangeeta Devi, W/o Dharambir Sah
3. Chaturi Sah @ Chaturi Sao, S/o Late Barho Sah
All are resident of village-Silway, Police Station-Halsi, District- Lakhisarai
..... Petitioners

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Smt. Asha Devi

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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.

The petitioners apprehend their arrest in connection with Halsi P. S. Case No. 71 of 2016 for offences alleged under Sections 448, 341, 323, 504, 354, 307 and 379 of the Indian Penal Code.

The prosecution case as lodged by the informant is that the occurrence took place on 27.05.2016 at about 8.30 A.M. when the informant had sat on her house door, all the accused persons came there and abused her. On protest, co-accused Dharambir Sah assaulted upon the head of the informant by his lathi and the petitioners Sangeeta Sah and Asha Devi assaulted by their danda on the informant's daughter

Bandana Kumari, petitioner Sangeeta Devi snatched away a golden top of one ear.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. It has also been submitted that both sides are agnates and the dispute is with regard to the land against which on proceeding under Sections 107 and 144 of the Cr.P.C. is pending between the parties. It has further been submitted that the injury caused on the daughter of the informant was simple abrasion as such no case under Section 307 of the Indian Penal Code is made out. It has further been submitted that no allegation is upon the petitioner No. 3 and he is just being stated to be an accomplice to the other accused persons. It has further been submitted that the petitioners have no criminal history as is evident from para-3 of this application.

However, the learned APP for the State submits that petitioner nos. 1 and 2 indulged in assault the daughter of the informant by Danda and the petitioners are named in the F.I.R. , hence, opposes the prayer of bail.

Be that as it may, since the petitioners are agnates, have no criminal history and the dispute is with regard to the land, let the 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 only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Halsi P. S. Case No. 71 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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