

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40034 of 2016

Arising Out of PS.Case No. -72 Year- 2016 Thana -BARGANIA District- SITAMARHI

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1. Vishwanath Prasad Gupta, S/o Nathuni Prasad Gupta, resident of village - Khakinan Bhakurahr, P.S. Bairgania, District Sitamarhi
 2. Mintu Kumar, S/o Ashok Kumar Gupta, resident of village - Bhakurahr, P.S. Bairgania, District Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Rai, Advocate

For the Opposite Party/s : Smt. Gulnar Begam, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-09-2016

Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with
Bairgania P.S. Case No. 72/16 for offences alleged under Sections
147, 148, 149, 447, 448, 323, 324, 307, 427, 380, 504, 506 of the
Indian Penal Code.

Allegation is that petitioners along with others
variously armed with *lathi*, *danda*, *farsa*, *nalkatua* assaulted the
informant and entered his house. When wife of the informant
came to save the informant, she was assaulted by other co-accused
persons, on which she after sustaining cut injury on her head fell
down and became unconscious. Thereafter some of the co-accused

fired from their *nalkatua* upon the informant, but he somehow saved himself. Petitioners are alleged to have assaulted Jai Kali Devi on her head, on which she sustained cut injury on her head and all the accused persons demolished the house of the informant and took away cash, ornaments and other articles and also gave threat of dire consequences.

It has been submitted by the learned counsel for the petitioners that they are innocent and have falsely been implicated in the aforesaid case and the occurrence occurred due to land dispute between the parties. He submits that the allegation upon these petitioners is of hitting one Jai Kali Devi on her head on which she sustained injuries and the injury report of said Jai Kali Devi is at Annexure-2 of this petition and injury has been found to be simple in nature caused by hard blunt object. He further submits 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 land dispute between the parties and the injury caused by these petitioners have been found to be simple in nature and that the petitioners have no

criminal antecedent, 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 Chief Judicial Magistrate, Sitamarhi, in connection with Bairgania P.S. Case No. 72/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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