

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15619 of 2016

Arising out of PS.Case No. -210 Year- 2015 Thana -PATAHI District- EAST
CHAMPARAN(MOTIHARI)

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- 1. Reeta Devi, Wife of Krishna Rai.
 - 2. Menka Devi, Wife of Ravi Rai.
 - 3. Vimal Devi, Wife of Om Prakash Rai.
 - 4. Reena Devi, Wife of Vakil Rai.
 - 5. Musmat Sanandi Devi, Wife of Late Bhairo Rai.
 - 6. Batahi Devi, Wife of Bilash Rai.
 - 7. Ravi Rai, Son of Late Bhola Rai.
 - 8. Phuldeo Rai, Son of Mohan Rai.
 - 9. Bharosh Rai, Son of Mohan Rai.
 - 10. Vakil Raj, Son of Mohan Rai.
 - 11. Om Prakash Rai, Son of Mohan Rai.
 - 12. Mahabir Rai, Son of Bilash Rai.
 - 13. Krishna Rai, Son of Late Bhairo Rai. All R/o Village Patahi, P.S. Patahi, District East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Abhishek Kumar, Advocate.
For the Opposite Party : Mr. Narsingh Tanti(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Patahi P.S. Case No. 210 of 2015 for the offences instituted under Sections 147, 148, 149, 447, 448, 323, 324, 307, 379 and 504 of the IPC.

The prosecution story, in brief, is that the informant's



home is situated on the land under Khata No. 575, Khesara No. 3158. His neighbours Ravi Rai, Mohan Rai and Bilash Rai grabbed his land for which he had filed a petition before the Anchal Adhikari, Patahi. The Anchal Adhikari, in presence of both parties, had given possession over the land of the informant after measurement. On 28.12.2015 the petitioners and others encroached the land of the informant after breaking boundary wall. They also damaged the household articles and misbehaved with the children. Co-accused Bilash Rai caused hurt to the informant by *Garasi* and committed theft of ornaments. The accused persons had also committed same offence with the informant prior to the present incident for which Patahi P.S. Case No. 166/2015 had been instituted.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. The petitioners have falsely been implicated in the present case. Specific allegation has been made against co-accused Bilash Rai. From perusal of the injury report, it is evident that the nature of injury is simple. Hence, no offence under Section 307 IPC is made out.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the

petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Patahi P.S. Case No. 210/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 8th A.C.J.M., East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)