

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57965 of 2015

Arising Out of PS.Case No. -18 Year- 2014 Thana -HATHAURI District- SAMASTIPUR

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1. Ram Narayan Das Son of Late Paltu Das
 2. Jagdish Das Son of Ram Narayan Das
 3. Suresh Das Son of Ram Narayan Das
 4. Ramesh Das Son of Ram Narayan Das
 5. Usha Devi Wife of Late Mahesh Das
 6. Shushila Devi Wife of Jagdish Sah
 7. Shaliya Devi @ Sheela Devi, Wife of Suresh Das
 8. Manju Devi @ Manju Devi Wife of Ramesh Das

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Prakash Poddar, Advocate

For the Opposite Party/s : Mr. Smt. Sharda Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-01-2016 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147, 148, 149, 447, 323, 325, 504, 307 and 379 of the Indian Penal Code.

The prosecution case is that while the informant's sides were making plinth of their new house, all accused persons came variously armed and started assaulting the informant. It is specifically alleged that co-accused Mahesh Das hurled 'farsa' blow on the informant which caused injury on his head and right hand when informant's mother, father, wife and

two brothers came to rescue then petitioner no.2 Jagdish Das assaulted with 'farsa' on the right leg of Ram Balak Das and left leg of Ram Raji Das. It is also alleged that petitioner no.4 Ramesh Das assaulted Bhangiya Devi with 'lathi' causing fracture injury. Petitioner no.3 Suresh Das and petitioner no.1 Ram Narayan Das assaulted Raghu Das, Kundan Das whereas petitioner nos.5, 6 and 7 respectively Usha Devi, Sushila Devi and Shailiya Devi assaulted wife and other family members of the informant. It is further alleged that co-accused Mahesh das snatched gold chain from the neck of Raj Kumari Devi and petitioner no.4 Ramesh Das took away Rs.6000/- from the pocket of Raghu Das.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. The injury caused to the informant has been found to be simple in nature. A statement to that effect has been made in paragraph 13 to the petition, which reads as follows:-

"13. That it is humbly submitted that injury report is showing simple nature."

Learned counsel for the petitioners further submits that there is counter version of the occurrence also and Mahesh Das from the petitioners' side succumbed to the injuries. Though

for the occurrence of 10.03.2014, the 'fardbeyan' of petitioners' side was recorded after death of Mahesh Das on 22.03.2014.

Considering the fact that one person from the petitioners' side has been died and statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Rosera, Samastipur in connection with Hathauri P.S. Case No.18/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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