

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21675 of 2017

Arising Out of PS.Case No. -36 Year- 2016 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Asharfi Raut, Son of Late Bhikhari Raut.
2. Rajeshwar Raut @ Rameshwar Raut, Son of Late Sukhari Raut.
3. Sanjay Raut, Son of Late Prasad Raut.
4. Rajendra Das, Son of Saryug Das.
5. Sahid Dewan, Son of Ramjan Dewan.
6. Abhimanyu Raut @ Ravi Kumar, Son of Late Kamal Raut, All Resident of Village- Siswaniya, P.S.- Ragarhwa, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Md. Arif, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 30-08-2017 Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Ramgarhwa P.S. Case No. 36 of 2016, registered under Sections 147, 148, 149, 447, 452, 341, 323, 324, 325, 307, 379, 436 and 504 of the Indian Penal Code.

The accusation is that due to land dispute 12 persons named in the F.I.R. including the petitioners came at the door of the informant, Ram Janam Prasad, having armed with lathi and iron rod and started to abuse. In the meantime, Sahid Dewan (petitioner no. 5), Rajendra Das (petitioner no. 4) and Abhimanu Raut (petitioner



no. 6) caused fracture injury at the hand of the informant through lathi and iron road whereas Asharfi Raut (petitioner no. 1) caused injury at his head through Farsa. When Ram Ayoudhaya Paswan, brother of the informant, rushed to save him then Sona Raut, Rajeshwar Raut (petitioner no. 2) and Ashok Sah caused injury at the hand and leg of the brother of the informant. When Sonu Paswan, son of the informant, came to save him then Jagdish Raut gave Farsa blow at his head and Sunarpati Devi and Bhagrsi Devi, mother and sister-in-law (bhabhi) of the informant were also assaulted by Jagdish Raut, Rajendra Das, Ashok Sah and Ranjiv Patel through iron road causing head injury at his mother and sister-in-law.

Learned counsel for the petitioners submits that occurrence took place due to land dispute, in which, petitioners' side also sustained injuries, regarding which, Ramgarhwa P.S. Case No. 34 of 2016 is also instituted on the basis of written report of Rajendra Das. It is further submitted that while the petitioner no. 3 is named in the F.I.R. but no specific overt act has been attributed against him.

On the other hand, learned counsel for the informant submits that there is specific allegation to cause injury to the informant, his brother, son and mother against petitioner nos. 1, 2,



4, 5 and 6, who sustained grievous injuries also.

Having regard to the facts and circumstances of the case, let the petitioner nos.3, Sanjay Raut, 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, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Raxaul at Motihari East Champaran, in connection with Ramgarhwa P.S. Case No. 36 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So are as petitioner nos. 1, 2, 4, 5 and 6 are concerned, having considered the facts and circumstances of the case and the nature of allegation against them, I am not inclined to grant anticipatory bail. Accordingly, their prayer for grant of anticipatory bail stands rejected. The petitioner nos. 1, 2, 4, 5 and 6 are directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

U		T	
---	--	---	--

