

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29323 of 2017

Arising Out of PS.Case No. -113 Year- 2017 Thana -MARHAURA District- SARAN

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1. Ramayan Singh Son of late Chandeshwar Singh
2. Mantu Singh @ Rakesh Singh Son of Ramayan Singh
3. Vijay Singh Son of Ramayan Singh

All above resident of village -Adalpati, Police Station - Marhowrah,
District - Saran at Chapra.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 01-07-2017 Heard the learned counsel for the petitioners and the
learned APP for the State.

The petitioners apprehend their arrest in connection
with Marhowrah P.S. Case No. 113 of 2017 instituted for the
offences punishable under Sections 341, 323, 324, 307, 379 and
504/34 of the Indian Penal Code.

The informant in his Fardbeyan has stated that on
16.03.2017 at about 8.00 A.M., these petitioners entered into his
maize field and they started cutting maize crop. The informant
and his elder brother protested, whereupon they assaulted the
informant. His brother, however, escaped from the place of
occurrence.



The learned counsel for the petitioners submits that the informant and his family members are aggressor who committed overt act. Both the petitioners are agnates and on the date of occurrence, the informant and his family members brutally assaulted these petitioners for which a police case vide Marhowrah P.S. No. 116 of 2017 was registered for the offence under Sections 307, 379 and other Sections of the Indian Penal Code. The injury sustained by the informant is simple in nature. On the other hand, the injuries sustained by the petitioners were grievous in nature.

The learned APP for the State opposed the submission.

On perusal of injury reports annexed with the supplementary affidavit, I find that the injuries sustained by the petitioner nos. 1 and 2 were simple in nature and petitioner no. 3 sustained four injuries on his person out of which one was grievous in nature. Both parties are agnates and they indulged in scuffle for cutting maize crop for which both parties lodged case and counter case.

In the aforesaid facts and circumstances, and considering simple nature of injury sustained by informant, anticipatory bail prayer is allowed. The petitioners, above named,



in the event of arrest / surrender within six 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 Additional Chief Judicial Magistrate, 2nd, Saran at Chapra in connection with Marhowrah P.S. Case No. 113 of 2017, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

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