

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46169 of 2017

Arising Out of PS. Case No.-91 Year-2017 Thana- NOORSARAI District- Nalanda

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1. Mushafir Chauhan, Son of Ganouri Chauhan
 2. Raj Karan Kumar, Son of Mushafir Chauhan
- Both Resident of Village- Govindpur Beldaria, Police Station-
Noorsarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-10-2017

Heard learned Counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections
147/148/149/341/323/307/379/504 of the Indian Penal Code and
Section 27 of the Arms Act.

Prosecution case is that the informant received an
information on 15.04.2017 at about 7 A.M. that accused
Ramasish Chauhan and his family have cut the ridge of the field
of the informant near the R.P.S. School, Makanpur. On such
information, the informant and his mother, Tetari Devi, went to
the said field and saw that the accused persons were sitting
variously armed, on protest being made, the accused, Ramasish



Chauhan, instigated other accused persons to kill the informant and his mother and thereafter the accused persons started assaulting the informant and his mother by lathi-danda, as a result, they received injury and fell down. Thereafter, petitioner no.2, Ram Karan Chauhan, resorted to firing, but it hit none, whereas co-accused Indu Devi snatched the earring of the mother of the informant.

It is submitted by learned Counsel appearing on behalf of the petitioners that in the background of land dispute, the accusation has been levelled. Two persons from the informant's side have received injuries, of which the informant's mother received two simple superficial injuries, whereas, the informant received two injuries out of which one has been found simple and other grievous, though of a marginal size, on the scalp of a marginal size. At the behest of the petitioners, at earlier point of time Noorsarai P.S. Case No. 90 of 2017 was registered with accusation under Sections 341/323/324/307/379/504/34 of the Indian Penal Code and 25(1-B)a, 35 and 27 of the Arms Act against the informant's side. The FIR lodged by the petitioners' side was registered on 15.04.2017 at 08.30 AM, whereas, the present FIR was registered on 16.04.2017 at 10.30 AM. One person from the



petitioners' side has also received grievous injury. A statement has been made in paragraph no.3 of the petition that the petitioners are having no criminal antecedent.

Considering the factum of the case lodged by the petitioners' side at earlier point of time and the occurrence having taken place in the background of land dispute, coupled with the fact that the petitioners have also received grievous injuries, let the above named petitioner 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 Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Nalanda at Bihar Sharif in connection with Noorsarai P.S. Case No. 91 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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