

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37543 of 2017

Arising Out of PS.Case No. -223 Year- 2017 Thana -LAKHISARAI District- LAKHISARAI

- =====
1. Sona Devi, Wife of Mahendra Mistry.
 2. Bebi Devi, Wife of Manoj Mistry,
 3. Mala Devi, Wife of Sanoj Mistry all resident of Village- Lali Pahari, Ward No. 33, Police Station- Kawaiya, O.P., District- Lakhisarai.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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with

Criminal Miscellaneous No.51093 of 2017

Arising Out of PS.Case No. -223 Year- 2017 Thana -LAKHISARAI District- LAKHISARAI

- =====
1. Mahendra Mistri, S/o Jaddu Mistri,
 2. Manoj Mistri S/o Mahendra Mistri,
 3. Sanoj Mistri S/o Mahendra Mistri, All are R/o Lali Pahari, Ward No. 33, P.S.- Kabaiya O.P., District- Lakhisarai.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.37543 of 2017)

For the Petitioner/s : Mr. Ganesh Sharma

For the Opposite Party/s : Mr. Shailendra Kumar -2

(In Cr.Misc. No.51093 of 2017)

For the Petitioner/s : Mr. Gopal Sharan Singh

For the Opposite Party/s : Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 06-12-2017 Both the aforesaid applications arise out of the Lakhisarai (Kawaiya) P.S. Case No. 223 of 2017, registered under Sections 147, 148, 149, 342, 448, 323, 302 and 120(B) of Indian Penal Code. Therefore, both the aforesaid applications



have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The accusation is that on 24.05.2017 informant Lal Muni Devi, wife of Sanjay Mistry was present at her house along with her father-in-law Rajendra Mistry and children at that time, Mahendra Mistry, Manoj Mistry, Sanoj Mistry, petitioners of Criminal Miscellaneous No.51093 of 2017 and Bebi Devi, Sona Devi and Mala Devi, petitioners of Criminal Miscellaneous No. 37543 of 2017, came there with deadly weapons and entered in the house of informant and made demand of land to Rajendra Mistry, who told that the land has been given according to share. Thereafter, occurrence of Marpit started in which Mahendra Mistry, Sanoj and Manoj Mistry caused injury at the head of Rajendra Mistry by means of iron rod, who fell down and become unconscious. Thereafter, Bebi Devi, Mala Devi and Sona Devi started pelting stones at Rajendra Mistry. On raising alarm, villagers rushed there and Rajendra Mistry was rushed to the Sadar Hospital for treatment from where he was referred to PMCH, Patna where he died.

Learned counsel for the petitioners submits that, in



fact, petitioners are Gotani of the informant and due to land dispute, only hot talks exchanged at the time of occurrence and Rajendra Mistry, who are suffering from kidney, sugar and blood pressure disease, came and become unconscious hearing the noise and he was rushed to Sadar Hospital from where he was rushed for PMCH, Patna. In Post-mortem report, no any external injury was found on his person.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four 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 Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kawaiya) P.S. Case No. 223 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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