

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61759 of 2017

Arising Out of PS. Case No.-365 Year-2017 Thana- SAUR BAZAR District- Saharsa

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1. Shyamdeo Roy, Son of Late Kusheshwar Roy,
 2. Lakhan Roy, Son of Late Kusheshwar Roy,
 3. Tuntun Roy, Son of Shyamdeo Roy,
 4. Pramod Roy, Son of Shyamdeo Roy,
 5. Mahanthi Roy @ Mahanthi Kumar, Son of Lakhan Roy,
 6. Shashit Roy, Son of Krishnadeo Roy,
 7. Krishnadeo Roy, Son of Late Kusheshwar Roy, All residents of Village- Suhath Ward No.15, P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat
For the Opposite Party/s : Mr. SRI JAGDHAR PRASAD

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2017 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147,149,341,323,324,325,307,354,504 and 506 of the IPC.

The prosecution case is that on 30.7.2017 at 6 P.M. when the informant and his brother were sitting at their door, the accused persons, being variously armed, came and petitioner no. 7 Krishnadeo Roy and Santosh Roy (non-petitioner) asked the informant as to why he is not withdrawing the pending title suit. On protest, by the informant, they asked other accused to assault and it is alleged that co-accused Sanjay Ray assaulted Balit Roy



with a spade, causing injury on his wrist and head. Co-accused Mantun assaulted the informant with iron rod on the head, but while defending, the informant received injury on wrist and ankle. When the brother of the informant Balit Ray fell down on the ground, all the accused persons assaulted him with iron rod and lathi. The wife of Balit Ray came to rescue, then co-accused Divesh Ray and petitioner no. 7 Shashit Ray tried to drag her away.

It is submitted by learned counsel for the petitioners that the specific accusation of assault is against co-accused Sanjay, Mantun and Divesh Roy(non-petitioners). It is further submitted that the accusation has been levelled in the background of land dispute and there is counter version of the occurrence also. The petitioners are accused in one other case of petty offence apart from the present case.

It is submitted by learned APP that the petitioners are named in the FIR and there is accusation of assault against them.

Considering the nature of accusation levelled in the background of land dispute, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 CJM, Saharsa in connection with Sour Bazar P.S. Case No.365 of 2017.

(Dinesh Kumar Singh, J)

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