

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53286 of 2017

Arising Out of PS.Case No. -75 Year- 2017 Thana -SIMRA District-
WESTCHAMPARAN(BETTIAH)

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1. Ghura Ram, S/o Metha Ram @ Baidnath Ram,
2. Sitaram Ram S/o Jagannath Ram,
3. Babu Nandan Ram S/o Jagannath Ram,
4. Laxman Ram S/o Metha Ram @ Baidnath Ram,
5. Triloki Ram S/o Sitaram Ram,
6. Lalu Ram S/o Sitaram Ram,
7. Deepak Ram S/o Janak Ram,

All are resident of village-Pratapur,P.S.-Semra,District-West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Adv.

For the Opposite Party/s : Mr. S.M. Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend arrest in connection with
Semra Police Station Case No. 75 of 2017 registered for the
offences under sections 147, 148, 149, 341, 323, 324, 447, 354,
307, 504 and 506 of the Indian Penal Code.

The informant in his written report submitted before
the S.H.O. of Semra Police Station, has alleged that when he was
constructing hut at his land, altogether 10 accused persons
including petitioners suddenly came and damaged his hut. The



informant raised protest whereupon the accused persons assaulted him and his family members.

The learned counsel for the petitioners submits that petitioners were constructing hut over their own land, which was acquired by their family members as per settlement from the State Government. The father of petitioner nos. 1, 5 and 6 had taken settlement from the State of Bihar and they were constructing hut over their land. The informant and their men came and raised protest and also assaulted for which a Police case, vide Semra P.S. Case No. 74 of 2017 was registered against the informant and his family members for the offences under sections 307, 354 other sections of the Indian Penal Code and sections 3 (i) (v) (x) (xi) of the SC/ST Act. In the said case as many as four persons from the side of petitioners sustained injuries out of them two sustained grievous injuries. Allegation of assault is omnibus against as many as ten persons. There is bona fide land dispute between the parties and so all the petitioners deserve anticipatory bail.

The learned Additional Public Prosecutor on the other hand, opposed the submission.

On perusal of materials on record it appears that the petitioners claim the land by virtue of settlement paper which stands in the name of father of petitioner nos. 1, 4, 5 and 6. The



injury report produced on behalf of the petitioners shows that from the side of these petitioners, two persons sustained grievous injuries. The allegation of assault is not specific against any of the petitioners rather the same is omnibus.

Considering the nature of allegation, facts and circumstances of the case, the prayer of anticipatory bail is allowed and the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail 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, Bagaha, West Champaran in connection with Semra Police Station Case No. 75 of 2017, subject to the condition as laid down under section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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