

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57625 of 2017

Arising Out of PS.Case No. -405 Year- 2014 Thana -DUMRA District- SITAMARHI

- =====
1. Radhey Shyam Sah son of Binod Sah
 2. Suraj Sah son of Binod Sah
 3. Rohit Kumar son of Suresh Sah All resident of Village- Balchauri, P.S.- Dumra, District- Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Mithilesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 15-12-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Dumra P.S. Case no. 405 of 2014 registered under Sections 341, 323,
324, 307, 379 and 504/34 of the Indian Penal Code.

The accusation is that 10 persons named in the F.I.R.
including the petitioners, came near the informant Ramesh Prasad and
started to abuse. At that time, petitioner No.1 Radhey Shyam Sah gave
spade blow at the head of the informant causing blood oozing injury,
when Rajesh Bharti and Mukesh Kumar, sons of the informant, rushed
then Bhairab Sah caused injury through Khanti, Rajesh Sah was also
assaulted by Suresh Sah through iron rod. At that time, Suraj Sah
caused injury to wife of the informant.

Learned counsel for the petitioners submits that, in fact,



occurrence of Marpit took place due to land dispute in which mother of the petitioner No.1 sustained injury and succumbed to injury regarding which Dumra P.S. Case No. 407 of 2014 is instituted on the basis of fardbeyan of co-accused Suresh Sah. Moreover, there is no specific overt has been attributed against the petitioner No.3. The injuries as said to be caused by petitioner No.1 and 2 are simple in nature.

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, Sitamarhi in connection with Dumra P.S. Case No. 405 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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