

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61381 of 2017

Arising Out of PS. Case No.-637 Year-2017 Thana- BIHTA District- Patna

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1. Lalji Rai,
 2. Binod Rai,
 3. Anil Rai All Sons of Late Hari Rai,
 4. Yashoda Devi W/o Shri Lalji Rai, All R/o Village-
Bishambharpur, P.O. and P.S. - Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Kant Kumar

For the Opposite Party/s : Mr. SRI UPENDRA KUMAR

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2017 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
447/341/323/354/504/34 of the Indian Penal Code.

Prosecution case as per the written report of the informant
Nagendra Kumar @ Satyendra Kumar is to the effect that on
02.09.2017 at 6 AM, while the informant was sitting on his
door, all the accused persons came and started abusing the
informant, upon which the informant protested, then petitioner
assaulted by means of lathi and danda, causing injury on his
head. It is further alleged that petitioner no.4, Yashoda Devi,



assaulted the informant's wife with bricks as a result of which she also sustained injuries on the head. The reason behind the occurrence is that the petitioners used to pass sarcastic remarks against the wife of the informant which was being protested by the informant.

It is submitted by learned counsel for the petitioners that since the petitioners are agnates of the informant, the accusation has been levelled in the background of land dispute. There is counter version of the occurrence also being Bihta P.S. Case No. 638 of 2017, levelling accusation under Sections 341, 323, 324, 379/504 of the I.P.C. All the accusation levelled against the petitioners areailable except section 354 of the I.P.C. Accusation under section 354 of the I.P.C. has not been levelled specifically in the present case. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP appearing on behalf of the State submits that accusation has been levelled against all the accused persons including the petitioners.

Considering the nature of accusation and from the accusation levelled in the FIR which prima facie does not constitute any offence under section 354 of the I.P.C. and other



accusation are under bailable sections coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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 ACJM, Danapur, Patna, in connection with Bihta P.S. Case No. 637 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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