

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16348 of 2017

Arising Out of P.S. Case No. -5 Year- 2017 Thana -PURAINI District- MADHEPURA

- =====
1. Rabindra Roy, S/o Late Chandradeo Roy
 2. Mukesh Roy S/o Rabindra Roy
 3. Kishore Roy S/o Rabindra Roy, All resident of Village- Kursandi, P.S. Puraini, District- Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pawan Kumar
For the Opposite Party/s : Mr. Sri Rajesh Kumar, APP
For the Informant : Mr. Sanjeev Kumar Mishra
Mr. Piyush Saurav, Advocates

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-04-2017

Heard learned counsel for the petitioners.

The petitioners are apprehending their arrest in connection with Puraini P.S. Case No. 05 of 2017, registered for offences punishable under Sections 341,323,324,504,506, 379 and 307/34 of the Indian Penal Code.

The allegation against the petitioners is that they have cut the Sheesham trees of the brother of petitioner no.1 and when the informant protested, on the order of petitioner no. 1, the petitioner no. 3, assaulted the informant by knife which caused injuries on his eyebrow and the petitioner no. 2 is alleged to have snatched Rs. 6000/- and one golden ring of the informant.



It has been submitted on behalf of the petitioners that partition has taken place between the brothers long ago and the land came to the share of the petitioners and as such, the present is a false and concocted case only with intent to harass and humiliate the petitioners.

Heard learned A.P.P. and learned counsel for the informant.

Learned counsel for the informant has submitted that on the order of the petitioner no. 1, the petitioner no. 3 has assaulted the informant and the petitioner no. 2 has taken away the money and ring of the informant. Petitioner Nos. 2 and 3 are sons of petitioner no. 1.

Having heard both sides, in view of the facts as stated above and also considering the fact that both the parties are family members and there is dispute with regard to cutting of Sheesham trees, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of Shri Shiv Kumar, J.M. 1st Class, Uda-Kishanganj, District-Madhepura in connection with Puraini P.S. Case No. 05 of



2017, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

(i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

(ii) The petitioners will not induce any witness or tamper with the evidence.

(iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the police, otherwise, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

S.Pandey/-

U		T	
---	--	---	--

