

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61846 of 2017

Arising Out of PS.Case No. -152 Year- 2017 Thana -LAUKHI District- MADHUBANI

- =====
1. Rajendra Sah @ Rajendra Prasad Sahu, S/o Late Ramji Sah,
 2. Baidya Nath Sah @ Baijnath Sahu @ Baij Nath Sah, S/o Rajendra Sah,
R/o Village- Narhaiya Braham Tola, P.S.- Lukahi, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 21-12-2017

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 354B, 347, 427, 504 and 506/34 of the Indian Penal Code.

The prosecution case, as per the written report submitted by Saraswati Devi to SHO, Laukahi Police Station on 21.07.2017, is to the effect that on 20.07.2017 at 11.00 P.M. the petitioners, being the brother and nephew of the husband of the informant started cutting the mango tree which was protested by the informant. Thereafter the petitioners started abusing the informant and petitioner no. 2 Baidya Nath Sah



caught hold of the hair of the informant and when informant started fleeing away the petitioner no. 1 Rajendra Sah pulled the sari of the informant and petitioner no. 2 assaulted with Khanti, with an intention to kill her. Thereafter, petitioner no. 1 snatched gold earring and petitioner no. 2 snatched Mangal Sutra from the informant. In the meantime, the husband of the informant, Shivrindan Sah and daughter Soni Kumari came to rescue the informant but the petitioners assaulted them also.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of serious land dispute. The injuries of the informant, her husband and daughter have been found to be superficial and simple in nature, whereas there is counter version of the occurrence being Laukahi P.S. Case No. 153 of 2017 lodged with accusation for offences under Sections 341, 323, 324, 325, 307, 448, 380 and 504/34 of the Indian Penal Code, by petitioner no. 1 Rajendra Sah against the informant side, wherein petitioners' side have been claimed to have received grievous injury.

Learned counsel for the informant and State submit that there is specific accusation of assault against petitioner no. 2.



Considering the fact that there is counter version of the occurrence also, the petitioners' side have received grievous injury and the informant side have received simple injury, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Laukahi P.S. Case No. 152 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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