

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6321 of 2018

Arising Out of PS. Case No.-109 Year-2017 Thana- LAURIYA District- West Champaran

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1. Jag Sah, S/o Bangali Sah,
 2. Amar Sah S/o Bengali Sah,
 3. Bangali Sah S/o Late Shivnath Sah,
 4. Sunaina Devi W/o Jag Sah,
 5. Uma Devi W/o Bangali Sah,
 6. Rambha Devi @ Shambha Devi W/o Amar Sah , All are R/o Village- Maulanagar, P.S.- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. SRI BHARAT BHUSHAN

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147,149,323,324,308,379,504 and 506 of the IPC.

The prosecution case is that in the background of land dispute between the informant and his brother Bangali Sah, petitioner no. 3, it is alleged that petitioner no. 2 assaulted with Farsa causing injury on the head of the informant. Thereafter, petitioner no. 1 Jag Sah assaulted with lathi on the back of the informant, whereafter all the accused persons started assaulting. In the meanwhile, petitioner no. 1 snatched Rs.2000/- from the informant. When the wife of the informant and his son Munna



Kumar came to rescue, petitioner nos. 2 and 6 assaulted Munna Kumar with iron rod. They also assaulted Kiran, the wife of the informant. It is further alleged that nose pin and Mangal Sutra were snatched by Sunaina Devi and Uma Devi. On alarm being raised, the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioners that for the occurrence of 18.4.2017 the fardbeyan was recorded on 19.4.2017 at 1.30 P.M. which came to be registered as Lauriya P.S. Case No. 109 of 2017 on 3.5.2017. The informant has virtually received one injury on head, which is alleged to have been caused by petitioner no. 2. The son of the informant has received one injury on skull which is superficial in nature. It is further submitted that the accusation has been levelled in the background of land dispute. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioners.

Considering the specific accusation of assault against petitioner no. 2 Amar Sah, this court is not inclined to grant anticipatory bail to him. Let the learned court below consider the prayer of the petitioner no. 2 for regular bail in case he



surrenders within six weeks.

So far as petitioner nos. 1 and 3 to 6 above named are concerned, there is omnibus and general accusation and the same is not being corroborated by the medical opinion, coupled with the statement in paragraph 3 of the petition that they are not having any criminal antecedent, let them be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 I, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 109 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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