

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2263 of 2018

Arising Out of PS. Case No.-318 Year-2017 Thana- SIMRI District- Buxar

1. Tulsi Rai

2. Raju Rai

Both are Sons of Amawas Rai. Both are Residents of Village - Makunpur, P.S. - Simri, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-01-2018 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 341, 323, 379, 307, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Subash Rai recorded by the Station House Officer, Simri Police Station on 17.11.2017 at 03.40 PM at emergency ward of Sub-Divisional Hospital, Dumraon, is to the effect that on 17.11.2017, the informant was in his house and his father went to farm house for cutting bamboo for construction of hutment. In the meantime, the informant was informed by the children of the family that the father of the informant is being assaulted, when the



informant went to the farm house, saw the accused persons including the petitioners variously armed assaulting his father. It is alleged that petitioner no. 1, Tulsi Rai assaulted on the head of the informant with lathi, when petitioner no.2 assaulted the father of the informant with 'rama' causing injury on his both legs. In the meantime when wife of the informant namely Urmila and younger brother's wife Rinku Devi came to their rescue then they were also assaulted by the accused persons. It is further alleged that petitioner no.2 snatched mobile phones from the father and wife of respondent's brother's.

It is submitted by learned counsel for the petitioners that the petitioners are agnates of the informant and in the background of land dispute the accusation has been levelled. Though four persons have received injuries, but the injuries have been found to be superficial simple in nature. However, there is no specific accusation that Rinku Devi assaulted by the accused person, but she was examined by the doctor, but no external injury was found on her person. There is counter version of the occurrence also being Simri P.S. Case No. 319 of 2017 levelling accusation under Sections 147, 148, 149, 341, 323, 354, 307, 379, 504 of the IPC lodged by the petitioner no.1 against the informant's side and five persons from the



petitioners' side have also received injuries. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that there is specific accusation against the petitioners.

Considering the accusation being levelled in the background of land dispute when both sides received injuries, there is counter version of the occurrence also 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 CJM, Buxar, in connection with Simri P.S. Case No.318 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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

