

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9589 of 2018

Arising Out of PS.Case No. -177 Year- 2017 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Sarita Devi, W/o Sashi Ranjan Prasad,
 2. Shashi Ranjan Prasad @ Tinku S/o Late Chandradev Prasad,
 3. Anil Kumar S/o Lalbabu Prasad,
 4. Deepak Kumar S/o Lalbabu Prasad, All R/o Village- Bhawarua,
P.S.- Madhuban, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-02-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

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

The prosecution case got initiated with the written report submitted by Lakhi Devi before S.H.O. Madhuban P.S. is to the effect that on 1.7.2017 at 8.30 P.M., the informant was going to sleep, in the meantime, she heard some noise and the pleas of Ramanand Prasad. In the meantime, the daughter of the informant Shakuntala Devi conveyed to Anand Kumar saying that some one



was assaulting Ramanand. Informant also rushed to the place and found the accused persons, including the petitioners assaulting Ramanand Prasad by lathi and danda. Lalbabu Prasad assaulted with sword blow on the head of Ramanand Prasad causing bleeding injury and thereafter the accused persons attacked the informant and his family. Accused Anil Kumar and petitioner no.3 assaulted with Dab on the head of Anand Kumar causing fire injury. Sarita Devi (petitioner no.1) and Premlata Devi (non-petitioner) assaulted Shakuntala Devi by fists and slaps.

It is submitted by learned counsel for the petitioners that accusation has been levelled in the background of land dispute. Ramanand Prasad has received two injuries. The specific accusation of assault with sword upon Ramanand Prasad is against Lalbabu Prasad and against petitioner no.3, Anil Kumar with dab on the head of Anand. All the injuries of Anand have been found to be simple in nature, though only one injury caused to Ramanand Prasad has been opined to be grievous which is not alleged against the petitioners. Statement has been made in paragraph-3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the State submits that there is specific accusation of assault against the petitioner Anil Kumar.



However, the injuries caused by petitioner no.3 has been found to be simple in nature.

Considering the delayed lodging of the case, as for the occurrence of 01.07.2017 the F.I.R. has been registered on 05.07.2017 and accusation levelled in the background of land dispute, the petitioners, in the event of arrest/surrender before the court below within a period of twelve weeks from today, shall be released on bail on his furnishing bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IV, Motihari (East Champaran) in connection with Madhuban P.S. Case No.177 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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