

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6387 of 2018

Arising Out of PS.Case No. -179 Year- 2016 Thana -SIDHWARA District- DARBHANGA

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1. Ram Rati Devi, Wife of Sri Ram Chandra Sah
 2. Lakhindra Sah @ Bala Lakhindra Sah, Son of Ramchandra Sah
 3. Birendra Sah, Son of Ram Sewak Sah
All are resident of Village – Katasa, Police Station – Singhwara,
District- Dabhanga.
 4. Kailashiya Devi, Wife of Sri Ram Priya Sah
 5. Ram Priya Sah @ Ram Pariya Sah @ Ram Parit Sah @ Ram Prit Sah,
Son of late Faakeera Sah
Both (4 & 5) are resident of village – Rajo, Police Station – Singhwara,
District – Darbhanga.
 6. Seema Devi, Wife of late Chhote Lal Sah, Resident of village –
Singhwakri, Police Station – Katra and District – Muzaffarpur.
 7. Gyanti Devi, Wife of Sri Shambhoo Sah
 8. Shambhoo Sah, Son of Late Mahesh Sah @ Late Matuk Sah
Both (7 & 8) are resident of village – Mahisoith, Police Station –
Nanpur, District – Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Sri Upendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 01-02-2018

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, 326, 354B, 379, 386, 420, 467, 468, 471 and
120B/34 of the Indian Penal Code.

The prosecution case got initiated with the
filing of Complaint Case No. 1462 of 2016 by Kavita Kumari on



04.11.2016 which ultimately got registered as Singhwara P.S. Case No. 179 of 2016 on 04.12.2016.

The prosecution case is that the informant's homestead land was transferred by the accused persons without right, title and interest. On 20.10.2016 when the informant was returning from school, she saw the petitioner nos. 2 and 3 were carrying bricks and asbestos from the land of the informant when she protested, she was pushed down on the ground and in the meantime, petitioner no. 2 assaulted the informant with Khanti on the mouth as a result her teeth got broken.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute. The specific accusation of assault is against petitioner no. 2 Lakhindra Sah and at earlier point of time with similar accusation lodged Singhwara P.S. Case No. 149 of 2016 by the husband of the informant against petitioner no. 2 Lakhindra Sah in which petitioner no. 2 has been granted bail. It is further submitted that except petitioner no. 2 other petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the specific accusation of



assault against petitioner no. 2 Lakhidra Sah, let the learned Court below consider the prayer for regular bail of petitioner no. 2, if he surrenders before the learned Court below within a period of six weeks.

So far petitioner nos. 1 and 3 to 8 are concerned, there is no specific accusation of assault, the accusation has been levelled in the background of land dispute and are not having any criminal antecedent, let the above named petitioner nos. 1 and 3 to 8 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 Sub-divisional Judicial Magistrate, Darbhanga in connection with Singhwara P.S. Case No. 179 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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