

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35162 of 2018

Arising Out of PS.Case No. -73 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Ram Naresh Singh,
2. Sharda Singh @ Sharda Nand Singh, Both are Son's of Late Chulahi Singh.
3. Pintu Kumar, Son of Ram Naresh Singh,
4. Ramjeet Mahto, Son of Late Bhadai Mahto,
5. Madan Singh, Son of Late Chulahi Singh, all are resident of Village- Chainpur, P.S.- Turkauliya, District- East Champaran.
6. Ramayan Mahto, Son of Late Saryug Mahto.
7. Ram Chandra Mahto, Son of Late Ganga Mahto, Both are resident of Village- Jaisingh Pur Khirwa, P.S.- Turkauliya, District- East Champaran.
8. Sharda Devi, Wife of Ram Naresh Singh.
9. Usha Devi, Wife of Madan Singh, Both are resident of Village- Chain Pur, P.S.- Turkauliya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava

For the Opposite Party/s : Smt. Meena singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 06-07-2018 Heard both sides.

The petitioners apprehend their arrest in Tr. No.1645 of 2017, arising out of Turkauliya P.S. Case No.73/2015, registered under Sections 147, 148, 149, 341, 323, 324, 325, 354, 308, 504 and 506 of the Indian Penal Code.

The informant Bhagya Narayan Singh named 11 persons including the petitioners and alleged that they having armed with different weapons came. Krishna Mahto, who is not



petitioner, is alleged to have assaulted the informant Bhagya Narayan Singh with axe. The blow hit on the right hand. Krishna Mahto gave second blow which hit on the head of the informant. When the brother of the informant Bhisham Narayan Singh came to save, Madan Singh, the petitioner no.5 is alleged to have assaulted him with iron rod which hit on the right hand of Bhisham Narayan Singh and his right hand was fractured. Madan Singh gave second blow on the jaw of Bhisham Narayan Singh. Sharda Devi, the petitioner no.8 is alleged to have assaulted Manju Devi and Suresh Singh. Pintu Kumar, the petitioner no.3 is alleged to have assaulted Asharfi Bhagat causing fracture injury on the rib. Hari Mahto assaulted the informant with axe on his head. Thereafter accused persons ransacked the entire house of the informant.

Learned counsel for the petitioner submits that there is a counter version. The Investigating Officer did not arrest the petitioners. During the course of investigation, the police has given benefit of Section 41(1) of the Cr.P.C. to the accused persons and submitted charge sheet under Section 308 and other Sections of the Indian Penal Code. On account of land dispute, the occurrence has taken place.

Learned A.P.P. however opposed the prayer for



anticipatory bail.

From perusal of the F.I.R. it appears that the informant made specific allegation against Krishna Mahto, Pintu Kumar, Madan Singh, Hari Mahto and Sharda Devi. Krishna Mahto and Hari Mahto are alleged to have assaulted the informant. Pintu Kumar is alleged to have assaulted Asharfi Bhagat. Asharfi Bhagat got grievous injury on his rib. Madan Singh, the petitioner no.5 is alleged to have assaulted Bhisham Narayan Singh, the brother of the informant and Bhisham Narayan Singh also got grievous injury on his hand. Sharda Devi, the petitioner no.8 is alleged to have assaulted Manju Devi and Suresh Singh but Manju Devi and Suresh Singh got simple injury. There is no specific allegation against other accused persons.

Considering the facts aforesaid that Pintu Kumar, the petitioner no.3 and Madan Singh, the petitioner no.5 assaulted Bhisham Narayan Singh and Ashrafi Bhagat and they got grievous injury, I am not inclined to enlarge the petitioner no.3 Pintu Kumar and the petitioner no.5 Madan Singh. Accordingly, the anticipatory bail of the petitioner no.3 Pintu Kumar and petitioner no.5 Madan Singh is rejected.

So far as bail of other petitioners is concerned, there is no specific allegation of assault against them. Sharda Devi, the



petitioner no.8 is of course alleged to have assaulted Manju Devi and Suresh Singh but they got simple injury.

Taking into consideration the aforesaid facts, the petitioner no.1 Ram Naresh Singh, petitioner no.2 Sharda Singh @ Sharda Nand Singh, petitioner no.4 Ramjeet Mahto, petitioner no.6 Ramayan Mahto, petitioner no.7 Ram Chandra Mahto, petitioner no.8 Sharda Devi and petitioner no.9 Usha Devi, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Smt. Manju Shree, J.M.1st Class, Motihari, East Champaran, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Amit/-

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