

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1815 of 2018

Arising Out of PS. Case No.-46 Year-2017 Thana- SALKHUA District- Saharsa

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1. Suresh Mehta, S/o Late Ashik Lal Mehta.
 2. Raghunandan Mehta @ Raghunandan Kumar, S/o Suresh Mehta,
Both are Resident of Village- Taraha, P.S.- Salkhua, O.P.
Banama Itahri, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s : SRI ASHOK KUMAR SINGH 1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 448, 504 and 506 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case as per the written report of Phocho Mehta submitted to the Station House Officer, Banma Ithari Out Post Salkhua Police Station is to the effect that on 12.03.2017 at 3.30 PM , while the son of the informant, namely, Nitish Kumar, was cutting a branch of guava tree, all of a sudden all the accused persons variously armed came and started abusing the informant's son. It is further alleged that co-accused, Rakesh



Kumar @ Disco, assaulted with spear on the head of the son of the informant. Petitioner no.1, Suresh Mehta, resorted to fire, but it did not hit the informant. Thereafter, all the accused persons assaulted the son of the informant with lathi, danda and fists. It is further alleged that when the informant returned to his house to rescue his son, then all the accused persons entered into his house and assaulted his wife. The genesis behind the occurrence is land dispute between the parties.

It is submitted by learned counsel for the petitioner that the accusation of assault is not specific against petitioner no.2. However, it is alleged against petitioner no.1 that he resorted to fire, but admittedly it did not hit anyone. The petitioners are the agnates of the informant and in the background of land dispute the accusation has been levelled. The son of petitioner No.1 lodged Salkhua P.S. Case No. 48 of 2017 with accusation under Sections 147, 148, 149, 341, 323, 324, 307, 379, 427, 504 of the Indian Penal Code and 27 of the Arms Act. The only person who received injury is the son of the informant and his injury has been found to be simple in nature. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that accusation



of assault is also levelled against the petitioners.

Considering the nature of accusation levelled in the background of land dispute, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of the learned CJM, Saharsa in connection with Salkhua P.S. Case No. 46 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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