

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70098 of 2018

Arising Out of PS. Case No.-12 Year-2018 Thana- SONEPUR District- Saran

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1. Vishwanath Rai, Son of Late Jatta Rai,
 2. Bhushan Rai, Son of Vishwanath Rai,
 3. Jhulan Rai @ Bhulan Rai, Son of Vishwakant Rai,
 4. Devari Rai @ Devavi Rai, Son of Vishwanath Rai, All are resident of Village- Sabalpur, Chaharam, P.S.- Sonapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-12-2018 Heard learned counsels for the petitioners the State.

It is submitted by learned counsel for the petitioners that petitioner no.2, Bhushan Rai has been arrested, hence the present application with regard to petitioner no.2 has become infructuous.

Accordingly, the present application with regard to petitioner no.2, Bhushan Rai is disposed of.

Rest of the petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 504, 436 and 379 of the IPC.

The prosecution case, as per the written report of Gajendra Rai, dated 07.01.2018, submitted to the Station House, Sonapur



Police Station, is to the effect that on 05.01.2018 at 5 PM, the informant was in his house, in the meantime, seven accused persons including the petitioners came and started abusing the informant. It is further alleged that on the order of petitioner no.1, Vishwanath Rai, all the accused persons started assaulting the informant with fists and slaps and when the wife, daughter and son of the informant came to rescue him, they were also assaulted by all the accused persons. It is further alleged that on the order of co-accused Pawitri Devi and Dewari Rai, hutment of the informant was put on fire.

It is submitted by learned counsel for the petitioners that both parties are on litigating terms from before as the wife of the informant lodged Sonapur P.S. Case No. 591 of 2017, registered under Sections 341, 323, 504 and 506/34 of the IPC. The accusation has been levelled in the background of land dispute. It is further submitted that for the occurrence of 05.01.2018, the FIR was registered on 07.01.2018, which reached to the court of learned ACJM on 12.01.2018, which suggests that the FIR has been registered by antedating. A statement has been made in paragraph no.3 of the petition that the petitioners are involved in one other case also, but in that case, he is on bail, though statement to that effect has not been made in the petition.



Learned APP submits there is specific accusation against the petitioners.

Considering the delayed lodging of the FIR, the accusation being levelled in the background of land dispute and the fact that the impugned order does not suggest that the hutment, which has been alleged to be put on fire, was actually a dwelling house, let the above named petitioners, except petitioner no.2, be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Sonepur P.S. Case No. 12 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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