

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63396 of 2017

Arising Out of PS.Case No. -44 Year- 2015 Thana –ANDHRA MATH District- MADHUBANI

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1. Rambilash Sah Son of Late Nathuni Sah,
2. Bhutkun Devi, Wife of Rambilash Sah,
3. Usha Devi, Wife of Inardeo Sah,
4. Kamini Devi, wife of Braham Deo Sah, All resident of Village- Bikram
Ser P.S. Andhra Math, District- Madhubani. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 11-01-2018 Heard the learned counsel for the petitioners.
Nobody appears on behalf of the State.

The petitioners apprehend their arrest in Andhra Math P.S. case No. 44 of 2015 under Section 307, 324 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

The informant, Prabhu Yadav, named the petitioners along with other accused persons and alleged that they all come to his land and on the order of Ram Bilash Sah, petitioner No.1, Inardeo Sah fired which hit in his abdomen. Bhutkun Devi, petitioner No.2, is alleged to have assaulted the informant with sword on his head.

The learned counsel for the petitioners submits that there is a case and counter case. From the side of petitioners Andhra Math P. S. case No. 37 of 2015 was registered on 11.06.2015. The informant made his fard bayan on 13.06.2015. The petitioners are not the assailants of the informant. Petitioner No.1 is an order giver. Petitioner No.2 is said to have assaulted the



informant with sword but no corresponding injury was found. Petitioners No.3 and 4 are alleged to have cut the tyres of J.C.B. but they did not assault the informant or any other person.

It appears that there is a case and counter case and on account of land dispute both sides entered into scuffle. There is no allegation of assault against petitioners Nos. 1, 3 and 4. Petitioner No.2, Bhutkun Devi, is alleged to have assaulted the informant with sword on his head but no such injury was found, as stated by the learned counsel for the petitioners.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, 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 are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri S. K. Rai, learned Judicial Magistrate, 1st class, Jhanjharpur, Madhubani in connection with Andhra Math P.S. case No. 44 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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