

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.2145 of 2018**

Arising Out of PS.Case No. -142 Year- 2017 Thana -THAWE District- GOPALGANJ

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Dewa Ram, Son of Late Dhanai Ram @ Dany Chamar, Resident of  
Village- Narayanpur Takia, Police Station Thawei, District- Gopalganj.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rakesh Kumar Sinha

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh

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

ORAL ORDER

02/ 16-01-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in  
a case registered for the offences punishable under Sections 341,  
323, 324, 326, 307, 447, 435, 436, 447 and 504/34 of the Indian  
Penal Code. Subsequently, Section 302 IPC was also added.

The prosecution case as per the fard-beyan  
of Nabi Rasul Ansari recorded by S.I. Vinay Pratap Singh of  
Town Police Station, Gopalganj on Sadar Hospital, Emergency  
Ward, Gopalganj on 29.09.2017 at 11.30 A.M. is to the effect tht



on 29.09.2017 all the FIR named accused persons and 2-3 others came to the house of the informant and started demolishing the foundation in the land of the informant adjacent to his house when the informant and his family members made protest, co-accused Gopi Ram inflicted Garasa over the head of Raja Hussain, the brother of the informant, the petitioner Dewa Ram assaulted with lathi to the informant and all the accused persons assaulted the informant, his wife Nurul Nesha, his brother's wife Farida Khatoon causing injury to them. All the accused persons set fire on the straw and petitioner Dewa Ram threw Raja Hussain in the fire and co-accused Gopi Ram pushed the informant in the fire, causing burn injury to them. Thereafter, they brought to Sadar Hospital, Gopalganj where the doctors referred the brother of the informant namely, Raja Hussain to higher centre.

It is submitted by learned counsel for the petitioner that in the background of land dispute the accusation has been levelled. In fact, the informant side poured kerosene oil on the wife of the petitioner namely, Lagia Devi and set fire due to which she died leading to registration of Thawe P.S. Case No. 143 of 2017 with accusation under Sections 341, 323, 326, 307, 435, 436, 427 and 504/34 of the Indian Penal Code,



subsequently, Section 302 IPC was also added, against the informant side. The brother of the informant received accidental injury. Petitioner is serious heart patient. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioner.

Considering the fact that the thrust of accusation is against the petitioner and co-accused Gopi Ram of pushing the brother of the informant and informant into the fire but keeping in view the fact that the petitioner's wife also died in the counter accident, it is claimed by the petitioner that the informant side are aggressor, it appears to be taken in the background of serious land dispute between the parties and statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Thawe P.S. Case No. 142 of



2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

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