

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1793 of 2018

Arising Out of PS. Case No.-458 Year-2017 Thana- MADHEPURA District- Madhepura

1. Shatrughan Ram, Son of Late Nirdhan Ram
2. Bharat Ram, Son of Late Nirdhan Ram
3. Laxman Ram, Son of Late Nirdhan Ram
4. Ram Lakhan Ram, Son of Late Nirdhan Ram
5. Hare Ram Ram, Son of Late Nirdhan Ram
6. Sanjeet Kumar, Son of Bharat Ram
7. Manjeet Kumar, Son of Bharat Ram
8. Sudish Kumar, Son of Laxman Ram, All residents of Village-
Betauna, P.S.- Madhepura (Bharrahi), District-Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 354A and 379/34 of the IPC.

The prosecution case, as per the written report of Kaushalya Devi addressed to the Station House Officer, Madhepura (Bharrahi) Police Station is to the effect that on 02.07.2017 at 12 PM, when the informant was sitting at his door, the FIR named accused persons including the petitioners came and forcibly began constructing house on the land of the informant and when the informant protested, on the order of



petitioner no.1, Satrugan Ram, petitioner no. 6, Sanjeet Kumar assaulted with farsa on the informant's head which the informant stopped by her hand, as a result of which the informant received injury on her hand and when Deepak Ram, Runa Devi, Priti Kumari and Baleshwar Ram came to rescue her, they were also assaulted by the petitioners. It is further alleged that petitioner no.8, Sudish Ram snatched earring worth Rs. 30,000/- from the informant, petitioner no.5, Hare Ram Ram snatched silver chain worth Rs. 5,000/- from the neck of Runna Devi, petitioner no.2, Bharat Ram picked out Rs. 4,200/- from Deepak, Petitioner no.3, Laxman Ram snatched mobile from Priti Kumari and petitioner nos. 1 and 4, Satrugan Ram and Ram Lakhan Ram took away a tin box containing 15 Sarees worth Rs. 6,000/- and Rs. 25,000/-.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled. Except the informant, none have received any injury, statement to that effect has been made in paragraph no.15 of the petition. The informant has received simple injury. There is counter version of the occurrence also. The petitioners' side also received injury. The accusation under Section 379 IPC is cosmetic in nature. Moreover, for the occurrence of 02.07.2017,



the FIR was lodged on 05.07.2017. Apart from present one, the petitioners are accused in one other case also, which was lodged by the informant's side with similar accusation.

Learned APP submits that there is specific accusation of assault to the informant and others.

Considering the nature of accusation levelled in the background of land dispute, there being a counter version of the occurrence also and delayed lodging of the FIR, let the above named petitioners 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, Madhepura in connection with Madhepura (Bharrahi) P.S. Case No. 458 of 2017, 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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