

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58030 of 2018

Arising Out of PS.Case No. -112 Year- 2018 Thana -KALYANPUR District- SAMASTIPUR

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1. Pawan Das
 2. Shrawan Das @ Shrawan Kumar
 3. Dewan Kumar All 1 to 3 sons of Late Rajeshwar Das
 4. Dukhharan Das @ Dukhran Das son of Late Mahaveer Das
 5. Ranjeet Das son of Dukhharan Das @ Dukhran Das All are resident of village - Ladaura Phoolwariya, P.S. Kalyanpur, District Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 20-09-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323, 325, 341, 354, 379, 448, 504 and 506/34 of the Indian Penal Code.

The prosecution case got initiated with the written report submitted by Samudri Das on 16.07.2018 before Station House Officer of Kalyanpur P.S., to the effect that on 09.07.2018 at 7.00 P.M., eight accused persons, including the petitioners, in the background of land dispute with regard to closing of pathway came and started assaulting the informant,



when son of the informant, Bablu Kumar came to rescue then he was also assaulted causing fracture injury. Accused Dukhan Das took out Rs.3,000/- from Bablu Kumar. When Guddu Kumar came to rescue then he was also assaulted by lathi. Similar was the fate of Pinki Kumari and she was assaulted by Shrawan Das. Biran Devi was caught by Pawan Das and Mukesh Das and they took out box containing jewellery and other valuable articles also.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. There is a counter version of the occurrence being Kalyanpur P.S. Case No. 109 of 2018 registered with accusation under Sections 323, 324, 325, 341, 354, 379, 448 and 504/34 of the Indian Penal Code. For the occurrence of 09.07.2018 the written report was submitted on 16.07.2018 and the learned Sessions Judge in the impugned order has mentioned that after going through the case diary and the injury report all injuries have been found to be simple in nature. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioners.



Considering the delayed lodging of the FIR coupled with the fact that the accusation not being corroborated with the medical opinion and the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 112 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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