

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27355 of 2018

Arising Out of PS. Case No.-432 Year-2017 Thana- RUNISAIDPUR District- Sitamarhi

1. Ashok Singh, Son of Late Ramnath Singh,
2. Mukesh Kumar,
3. Rahul Kumar, Both Son of Baidhnath Singh,
4. Rajat Kumar,
5. Rajnish Kumar, 4 and 5 Son of Ashok Singh,
6. Rohit Kumar,
7. Raushan Kumar, 6 and 7 Son of Shailendra Kumar,
8. Basukinath Singh, Son of Late Ram Lakhn Singh, All R/o Village- Vasudev Vishanpur, P.S.- Runni Saidpur, District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-05-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 325 and 506 of the IPC.

The prosecution case, as per the written report of Raghunath Singh dated 12.09.2017 submitted to the O.P. In-charge Mahindwara, Runni Saidpur Police Station, is to the effect that 10.09.2017 at 4 P.M., when the informant was at his house, in the meantime, co-accused Navin Kumar conveyed the informant on telephone that they are making ridge on the land,



appertaining to Khata No. 479, Plot No. 2513, Khata No. 2512, Plot No. 2559 and Khata No. 472, Plot No. 2555, whereupon the informant along with his son went to the land in question then the accused persons started abusing the informant. Petitioner no. 1, Ashok Singh assaulted with spade on the left hand of the informant causing bleeding injury. Petitioner No. 2, Mukesh Kumar and petitioner no. 3, Rahul Kumar, assaulted the son of the informant, Akhilesh Kumar with Lathi and Danda causing fracture injury. In the meantime, Shailendra Kumar and Navin Kumar, both non-petitioners, assaulted with spade and axe on the head of Pawan Kumar. Petitioner no. 4, Rajat Kumar and petitioner no. 5, Rajnish Kumar assaulted Sanjay Kumar, the son of the informant and they also gave life threat to Akhilesh Kumar, the other son of the informant. The other son of the informant, Amit Kumar was also assaulted by petitioners Ashok Kumar Singh, Rohit Kumar and Raushan Kumar. The motive for the occurrence was prevailing partition dispute from before.

It is submitted by the learned counsel for the petitioners that the informant is the agnate of the petitioners. There is serious partition dispute between the parties. Petitioner no. 8, Basukinath Singh has filed Title Suit No. 86 of 2013, pending before the learned A.C.J.M.- XI, Sitamarhi, wherein the



informant is the party defendant. There is a counter version of the occurrence also since co-accused Naveen Kumar Singh, who was badly assaulted at the hands of the informant, lodged Runni Saidpur P.S. Case No. 431 of 2017 for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 504, and 379 of the IPC. The impugned order suggests that though eight persons received injury but all the injuries have been found simple. A statement has been made in paragraph no. 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 accusation levelled in the background of land dispute and the impugned order suggest that the injury was found simple in nature, coupled with the statement made in the paragraph no. 3 of the petition that petitioners are not having any criminal antecedent, 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 C.J.M, Sitamarhi, in connection with Runni Saidpur P.S. Case No. 432 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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