

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6246 of 2018

Arising Out of PS. Case No.-177 Year-2017 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Manoj Kumar @ Manoj Ray.
 2. Saroj Rai @ Saroj Kumar Ray. Both Son of Rambabu Ray,
Resident of Village-Ramiya Mohiuddin Nagar, P.S.- Mahiuddin
Nagar, District-Samstipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. RAM SEVAK CHOUDHARY

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 323, 324, 341, 379 and 504/34 of the IPC.

The prosecution case, as per the written report of Sudhir Kumar dated 05.11.2017 submitted to the Station House Officer, Mohiuddin Nagar Police Station is to the effect that on 04.11.2017 at about 8 AM, the informant was irrigating his field, in the meantime, the petitioners and three other accused persons came, when petitioner no.1 Manoj Ray asked to remove the pump-set and on protest being made, he assaulted the informant with spade causing injury on his head, when petitioner no.2,



Saroj Rai, put the rope around his neck and started dragging him. It is also alleged that petitioner no.2, Saroj Rai snatched gold locket from the neck of the informant.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of dispute with regard to irrigation of the land. Though, the informant received one incised injury on his head caused by petitioner no.1, Manoj Ray and one abrasion injury on his neck caused by petitioner no.2, Saroj Rai, but all the injuries have been found to be superficial simple in nature, which also gets reflected from the impugned order. The petitioners' side lodged Mohiuddin Nagar P.S. Case No. 176 of 2017, registered with accusation under Sections 147, 148, 323, 324, 341, 379 and 504/34 of the IPC against the informant's side at earlier point of time. 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 of assault against the petitioners.

Considering the nature of accusation being levelled in the background of dispute with regard to irrigating the land and the case lodged by the petitioners' side at earlier point of time, coupled with the statement made in paragraph no.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/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 Judicial Magistrate-IV, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 177 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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