

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52563 of 2017

Arising Out of PS.Case No. -371 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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Jai Mangal Bhagat son of Late Ramashish Bhagat Resident of Village -
Bahuara Bhan, P.S. - Madhuban, Distt. - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.52593 of 2017

Arising Out of PS.Case No. -371 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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Jang Bahadur Bhagat @ Jung Bahadur Bhagat, Son of Late Ramashish
Bhagat, Resident of Village- Bahuara Bhan, P.S.- Madhuban, Distt- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.52563 of 2017)

For the Petitioner/s : Mr. Birendra Kumar Singh

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

(In Cr.Misc. No.52593 of 2017)

For the Petitioner/s : Mr. Birendra Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 03-01-2018 Heard the learned counsels for the petitioner,

informant and the State.

The petitioners seek bail in connection with

Madhuban P.S. Case No. 371 of 2015 dated 28.11.2015 instituted

for the offences under Sections 147, 148, 149, 341, 323, 324, 307,



379, 436, 504 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

It has been alleged by the informant that around 26 persons, variously armed with weapons, came and assaulted her husband and father-in-law. The father-in-law of the informant viz. Ganesh Bhagat succumbed to the injuries. The petitioners are said to have assaulted him by means of Farsa, a sharp cutting weapon. Other accused persons are also alleged to have assaulted other members of the family of the informant leading to injuries on their persons.

Learned counsel appearing on behalf of the petitioners has submitted that a fight took place over a piece of land which was purchased by the petitioners. In support of the aforesaid contention of having purchased the aforesaid land, the petitioners have brought on record a copy of the sale deed of the land in question. It has further been submitted that when the informant/prosecution party were making attempts to erect a hut over the said land, a protest was made and on such protest, a fight took place. In the aforesaid fight, many persons were injured from the side of the petitioners also. The photo copies of the injury reports have been annexed. It is submitted that in that melee, it was simply impossible for the informant to have seen the specific



act of assault by the petitioners.

Taking into account the aforesaid facts and the fact that there was a free fight for which persons from both sides have been injured as well as the period of custody of the petitioners which is from 14.04.2017 and 05.05.2017 respectively, this Court is inclined to grant bail to them.

In the facts and circumstances, the petitioners above named are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-4th, Motihari in connection with Madhuban P.S. Case No. 371 of 2015.

(Ashutosh Kumar, J)

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