

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73703 of 2018

Arising Out of PS. Case No.-62 Year-2018 Thana- KANHauli District- Sitamarhi

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1. Renu Devi, W/o-Thaga Rai
 2. Thaga Rai, S/o Late Sugani Rai
- Both Resident of Village- Bharsar, P.S.-Kanhauli, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
341/323/324/354/379/307/504/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Shiv
Shankar Rai, recorded by S.I. Manoranjan Kumar, Sonbarsa
Police Station on 18.05.2018 at 16.30 Hours at emergency ward
of P.H.C., Sonebarsa to the effect that on the same date at 12.00
PM, four accused persons, including petitioner no.2, Thaga Rai
were constructing house over the land of the informant. On
protest being made, petitioner no.2 assaulted the brother of the
informant, namely, Gauri Shankar Rai with an iron *dabia*,



whereas co-accused, Chandan Rai assaulted with *farsa* on the head of the informant. It is further alleged that when the wife of the informant came to rescue him, then co-accused, Manish Kumar assaulted her with an iron rod, whereas, petitioner no.1, Renu Devi assaulted to the informant and others with a stick (danda). The accused persons also alleged to have taken away Rs.3000/- cash from the pocket of the informant and a gold locket from his neck.

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 also, being Kanhauli P.S. Case No. 78/2018. The impugned order reflects that the injuries have not been found grievous. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are named in the FIR with specific accusation of assault.

Considering the genesis of the occurrence, being levelled in the background of land dispute and there is a counter version of the occurrence, coupled with 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 or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Sitamarhi, in connection with Kanahauli P.S. Case No.62/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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