

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1562 of 2018

Arising Out of PS. Case No.-36 Year-2017 Thana- TISIAUTA District- Vaishali

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1. Mithilesh Ray S/o Rajendra Ray
 2. Indresh Ray s/o Late Kishori Ray Both resident of vill.- Laxmi Narayanpur, PS - Tisiauta, Dist. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Kumar, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2018 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 354, 379, 504 and 506 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of informant, Kusheswar Rai, is to the effect that on 23.06.2017 at 8.30 AM, the wife of his younger brother was going towards garden of her house, taking lunch for her ailing mother-in-law, in the meantime, petitioner no.2, Indresh Ray and his wife Rakho Devi @ Geeta Devi started assaulting Sangita Devi. The informant along with Siyalal Ray, Mamta Devi and Dileep



Kumar came to her rescue, whereupon, petitioner no.2 assaulted her with iron rod and started dragging her towards his house, rendering her semi-naked. Thereafter, co-accused Rajendra Ray ordered to kill, on this Co-accused, Achandev Ray and petitioner no.1, Mithilesh Ray, Jawahar Ray, Abhishek Kumar Ray, Babita Devi, Asha Devi armed with deadly weapon surrounded them, when Jawahar Ray assaulted on the head of Siyalal Ray with farsa, while Babita Devi assaulted on the head of Mamta Devi with spear. It is further alleged that Abhishek Kumar Ray assaulted with spear on the head of Dileep Kumar Ray causing injury on his legs. The accused persons also snatched a gold chain weighing 10 grams from the neck of Mamta Devi. It is also alleged that Asha Devi assaulted Dileep Kumar Ray with farsa when Achandev Ray assaulted with sword on the informant. It is alleged against petitioner no.1 Mithilesh Ray that he assaulted with sword on the neck of the informant.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled. The petitioners' side lodged Tisiauta P. S. Case No.35 of 2017 on 25.06.2017 for the occurrence of 23.06.2017 levelling accusation under Sections



147/148/149/341/323/324/325/307/380/448/504/506, whereas, the present case has been lodged on 26.06.2017 at 4.30 PM. The injury has been found to be simple in nature. The petitioners' side have also received injuries. Moreover, in the case lodged by the petitioners, the informant's side have been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 51049 of 2017. 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 Mr. J. N. Thakur, learned APP for the State that accusation of assault is against the petitioners also.

Considering the accusation being levelled in the background of land dispute and the case lodged by the petitioners' side at earlier point of time, wherein, petitioners' side have also received injuries, 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 ACJM-9, Vaishali at Hajipur in



connection with Tisiauta P.S. Case No.36 of 2017, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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