

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63879 of 2018

Arising Out of PS. Case No.-68 Year-2018 Thana- GADHPURA District- Begusarai

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1. Indradeo Rai, Son of Bindesri Rai,
 2. Saurav Kumar,
 3. Sachin Kumar, both 2 & 3 are son of Indradeo Rai,
 4. Rita Devi, Wife of Indradeo Rai,
- All 1 to 4 are resident of Vill.- Sakra Tola Baluaaha, P.S.-
Gardhpura, District- Bagusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 12-12-2018 The learned counsel for the petitioners seeks

permission to withdraw this petition with respect to petitioner

No.1/Indradeo Rai, who has been arrested.

Permission is accorded.

The petition with respect to petitioner No. 1 is,

therefore, dismissed as having become infructuous.

The petitioner Nos. 2, 3 and 4 seek bail in



anticipation of their arrest in connection with Gardhpura P.S. Case No. 68 of 2018, dated 01.07.2018, instituted for the offences under Sections 307, 341, 323, 325, 379, 504 and 506/34 of the I.P.C.

It has been alleged that the petitioners along with petitioner No. 1/Indradeo Rai, whose petition has become infructuous, unauthorizedly made attempts to plough the field belonging to the informant. When protest was made, petitioner No. 1/Indradeo Rai, who is the father and husband of petitioner Nos. 2, 3 and 4 respectively, assaulted the informant on his head by means of *lathi*, resulting in injuries to him. When the son of the informant came for his rescue, he too was assaulted by aforesaid Indradeo Rai. The wife of the informant was assaulted by all the accused persons. Some personal belongings are also alleged to have been taken away by the accused persons.

The learned counsel for the petitioners has submitted that the act of assault has primarily been attributed to petitioner No. 1/Indradeo Rai and not against the petitioner Nos. 2, 3 and 4. The informant has received



three injuries out of which, two are simple in nature and opinion with respect to injury No. 3 has been kept reserved. All the injuries on the person of the informant are attributable to petitioner No.1/Indradeo Rai and not against petitioner Nos. 2, 3 and 4.

Since general allegations have been levelled against petitioner Nos. 2, 3 and 4, it would be worthwhile to state that the other victims of the case have received only simple injuries.

It has further been submitted on behalf of the petitioners that there is a competing claim over a plot of land and the petitioners also claim their title and ownership over the said plot of land which is being claimed by the informant.

Considering the aforesaid facts, petitioner Nos. 2, 3 and 4 above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to



the satisfaction of learned Addl. Chief Judicial Magistrate-IV
Begusarai, in connection with Gardhpura P.S. Case No. 68 of
2018, subject to the conditions laid down under Section
438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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