

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4727 of 2018

Arising Out of PS.Case No. -63 Year- 2017 Thana -MARHAURA District- SARAN

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1. Hariom Singh,
2. Chandan Kumar Singh, Both Sons of Yogendra Singh @ Jhabbu Singh @ Jogendra Singh,
3. Yogendra Singh @ Jhabbu Singh @ Jogendra Singh, S/o Late Sheonath Singh, All three Residents of Vill.- Mothaha, P.S.- Marhaura, District-Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyadarshi Matri Sharan

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-02-2018 Heard the learned counsels for the petitioners,

informant and the State.

Mr. Manoj Kumar, learned counsel for the informant,

has filed Vakalatnama. Let it be kept on record.

The petitioners seek bail in anticipation of their arrest

in connection with Marhowra P.S. Case No. 63/2017 dated
23.02.2017 instituted for the offences under Sections 147, 148, 307,
379 and 504 of the Indian Penal Code.

Earlier, the petitioners were made accused in two

different cases of the year 2016 and 2017 respectively and in both
the cases, they are on bail.

It has been alleged in the F.I.R. that Petitioner nos. 1



and 2 assaulted the informant, who is a lady of 83 years, by means of a sword. The son of the informant was also assaulted by all the accused persons, including the petitioners. Some of the female of the house have also been made accused in the case. The petitioners are neighbours of the informant and there is an admitted land dispute between them.

Learned counsel for the petitioners has drawn the attention of this Court to the fact that earlier to the present case, the son of the informant had beaten up the petitioners and others, for which a case vide Marhawra P.S. Case No. 426/2016 was instituted by the petitioners. On the next date of the occurrence, it has been alleged in the subject F.I.R, the informant's son and others had come to the house of the petitioners and had badly assaulted the petitioners and for that, Marhawra P.S. Case No. 84/2017 dated 01.03.2017 was also instituted. In the aforesaid occurrence, the petitioner no. 1 had become seriously injured with fracture of his skull. The other petitioners also were injured. With respect to the occurrence alleged in which petitioner no. 1 was seriously injured, a case has been lodged by the grandson of the informant. All the injured persons, including the petitioner no. 1 had been referred to P.M.C.H., Patna for proper treatment for saving of their lives. In this background, it has been submitted that the allegations are absolutely false and concocted.



Learned counsel for the petitioners has further drawn the attention of this Court to the injuries suffered by the informant, which is simple in nature.

Learned counsel for the informant, on the other hand, has submitted that an old lady has been assaulted on her vital parts of the body.

Considering the background of enmity and different cases having been lodged by the respective parties against each other and the injuries suffered by the informant being simple in nature whereas the injuries on the person of the petitioner no. 1 is grievous, the petitioners are directed to be released on bail, in the event of their arrest/surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bond in the sum of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Chapra in connection with Marhawra P.S. Case No. 63/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J.)

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