

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36344 of 2018

Arising Out of PS.Case No. -511 Year- 2017 Thana -MAJORGANJ District- SITAMARHI

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1. Ramdeni Sah, son of Late Ramswaroop Sah
 2. Mahesh Sah, son of Late Ramswaroop Sah
 3. Harendra Sah, son of Vishwanath Sah
 4. Rintu Sah @ Rintu Kumar, son of Vishwanath Sah
 5. Bajju Sah @ Baiju Sah, son of Late Bilashi Sah
 6. Sudhir Sah, son of Late Bilashi Sah
 7. Ramesh Sah, son of Late Bilashi Sah
 8. Arjun Sah, son of Ramdeni Sah
 9. Rajesh Sah, son of Ramdeni Sah
 10. Pramod Sah, son of Late Bhujunga Sah
 11. Surendra Sah son of Late Bhujunga Sah

All resident of Village- Sirpa Marpal, P.S.- Mejarganj, District- Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Senior Advocate

For the Opposite Party/s : Mr. Jitendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-07-2018 Heard Mr. N.K. Agrawal learned Senior Advocate

for the petitioners and Mr. Jitendra Prasad Singh, learned

Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection
with Mejarganj P.S. Case No. 511 of 2017 registered under
Sections 147, 149, 341, 323, 325, 307 and 504 of the Indian
Penal Code.

It is submitted by the learned Senior Advocate
appearing for the petitioners that an omnibus and general



allegation have been made against altogether fourteen persons to have assaulted the informant and others with *lathi* due to land dispute existing from before, but the injuries sustained by the injured persons would demonstrate that hardly one or two grievous injuries were found on the members of the prosecution party. He submitted that there is a counter version and on the basis of the written report submitted by petitioner no.1 Ramedeni Sah in Mejarganj P.S. Case No. 512 of 2017 dated 28.11.2017 was registered inter alia under section 308 of the Indian Penal Code against the informant of the instant case and his family members. There are injuries on several members of the petitioners' family also. A simple case of altercation and free fight between the parties owing to land dispute without any intention from either side to have caused death of anyone has wrongly been instituted under Section 307 of the Indian Penal Code. He further submitted that apart from the section 307 of the Indian Penal Code all others sections are bailable in nature.

Opposing the application for grant of pre-arrest bail to the petitioners, learned Additional Public Prosecutor of the State submitted that merely because there is a counter version and some persons from the side of the petitioners have also sustained injuries, it cannot be said that the case filed against the



petitioners would not fall within the purview of section 307 of the Indian Penal Code. He submitted that from the perusal of order passed by the learned Sessions Judge, it would appear that at least two injuries found on the persons of the members of the prosecution party were grievous injury.

Be that as it may, considering the facts and circumstances in totality, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Sitamarhi in connection with Mejarganj P.S. Case No. 511 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C

(Ashwani Kumar Singh, J.)

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