

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68532 of 2018

Arising Out of PS. Case No.-187 Year-2018 Thana- DUMRA District- Sitamarhi

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1. Vijay Kumar, Son of Paltan Singh.
 2. Ashok Kumar, Son of Paltan Singh.
 3. Nitish Kumar, Son of Paltan Singh.
 4. Paltan Singh, Son of Ram Pyare Singh.
 5. Kaushalya Devi, Wife of Paltan Singh. All R/o Village-Hari Chapra, P.S. Dumra, Distt.-Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ashok Kumar Jha, Advocate.
For the Opposite Party : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-11-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 341, 323, 325, 307,
354 and 504/34 of the IPC.

The prosecution story, in brief, is that on 18.05.2018
at 7.00 A.M. the accused persons abused the informant Lalit
Kumar and assaulted with *Danda* and *Farsa* with intention to
kill him. Petitioner no. 2 Ashok Kumar gave *Farsa* blow
aiming on his neck but he sustained injury on his head.
Petitioner no. 3 Nitish Kumar, petitioner no. 5 Kaushalya Devi
and petitioner no. 4 Paltan Singh assaulted him with *Lathi*,



Danda and *Iron rod*. When his family members came to his rescue, petitioner no. 4 Paltan Singh assaulted Sita Sharan Singh with *rod* on his head with intention to kill him due to which, he also sustained injury on his head. When his mother came to rescue, he also assaulted him and disrobed her.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is case and counter case between the parties. Free fight is alleged to have taken place between the parties due to land dispute. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M.



Sitamarhi, in connection with Dumra P.S. Case No. 187 of 2018,
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

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