

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10136 of 2019

Arising Out of PS. Case No.-171 Year-2018 Thana- JAMOBABAZAR District- Siwan

1. Harendra Ram Son of Shiv Mrikh Ram Resident of Village- Raghunathpur, P.S.- Jamo Bazar, District- Siwan
2. Mukesh Ram S/o Late Asharfi Ram Resident of Village- Raghunathpur, P.S.- Jamo Bazar, District- Siwan
3. Vijay Kumar Ram @ Vijay Ram S/o Late Rameshwar Ram Resident of Village- Raghunathpur, P.S.- Jamo Bazar, District- Siwan
4. Sanjay Ram S/o Chandeshwar Ram Resident of Village- Raghunathpur, P.S.- Jamo Bazar, District- Siwan
5. Asharfi Ram S/o Late Gowardhan Ram Resident of Village- Raghunathpur, P.S.- Jamo Bazar, District- Siwan
6. Binod Ram S/o Late Shiv Bansi Ram Resident of Village- Raghunathpur, P.S.- Jamo Bazar, District- Siwan
7. Munna Srivastava S/o Late Lal Babu Srivastava Resident of Village- Raghunathpur, P.S.- Jamo Bazar, District- Siwan

... .. Petitioners.

Versus

The State Of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Rajiv Kumar, Advocate.
For the State	:	Mr. Renu Kumari, A.P.P.
For the Informant	:	Mr. Ashok Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 10-05-2019

At the very out set, learned counsel for the petitioners submits that the petitioner no.7, above named, has already been arrested by the police and, as such, this application in respect of the petitioner no.7, above named, has become infructuous and seeks permission to with draw this application in respect of the petitioner no.7, above named.

In that view of the matter, this application in respect



of the petitioner no.7, above named, is dismissed as withdrawn and, today, now, only the prayer of the petitioner nos.1 to 6, above named, for grant of privilege of pre-arrest bail is being considered.

Heard.

The petitioner nos.1 to 6, above named, apprehend their arrest in connection with Jamo Bazar P.S. Case No.171 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 325, 307 and 337 of the Indian Penal Code.

The accusation is that in the evening of 21.10.2018, 12 persons, named in the F.I.R., including the petitioner nos.1 to 6, above named, came at the field of the informant for cremating the dead body of Hardeo Ram. When the informant made protest, they started to abuse and caused assault to the informant through lathi, danda and farsa, due to which the informant sustained injury on his body. When Sakaldeo Yadav, the brother of the informant, rushed there, then Niraj Ram assaulted him through rod causing fracture injury on his hand. At that time, Kavita Devi, sister-in-law of the informant, was assaulted by Dharmendra Rai through farsa, due to which she sustained head injury and having become unconscious, she fell down on the ground. Mithilesh Yadav, the nephew of the informant, was



assaulted by Sanjay Ram (petitioner no.4) by pelting bricks and stones, causing injury below to his eye. Ramesh Yadav, the brother of the informant, was assaulted by Vijay Ram (petitioner no.3) through lathi causing injury on his head. Thereafter, the informant and other injured were rushed for treatment at Barharia Primary Centre.

Learned counsel for the petitioner nos.1 to 6, above named, submits that while the aforesaid petitioners are named in the F.I.R. but the specific allegation to cause injury to Mithilesh Yadav, the nephew of the informant, is against Sanjay Ram (petitioner no.4) and to cause injury to Ramesh Yadav, the brother of the informant, is against Vijay Ram (petitioner no.3) but the injury sustained by them is simple in nature. Moreover, due to land dispute, as detailed in the F.I.R., the occurrence of “Maar-Peet” took place in between the parties in which the aforesaid petitioners’ side also sustained injury regarding which on the basis of the written report of Nagendra Ram, Jamo Bazar P.S. Case No.170 of 2018 was also instituted against the informant and others.

Having considered the facts and the circumstances of the case, let the petitioner nos.1 to 6, above named, in the event of their arrest or surrender by them within six weeks from today,



be enlarged on bail on their furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the Additional Chief Judicial
Magistrate-XIII, Siwan, in connection with Jamo Bazar P.S.
Case No.171 of 2018, subject to the conditions laid down under
Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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