

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7873 of 2019

Arising Out of PS. Case No.-261 Year-2018 Thana- RAJPUR District- Buxar

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1. SURENDRA RAJBHAR, Son of Late Banarasi Rajbhar,
 2. Rameshwar Rajbhar, Son of Late Shiv Murat Rajbhar,
 3. Shyamal Rajbhar @ Shyam Lal rajbhar, Son of Sri Brij Kishore Rajbhar
 4. Dharmendri Devi, son of Wife of Shyam Lal @ Shyam Lal Rajbhar
 5. Geeta Devi, Daughter of Munna Rajbhar
 6. Parma Nand Rajbhar, Son of Sri Birendra Rajbhar
 7. Dipu Rajbhar, Son of Munna Rajbhar
 8. Mahendra Rajbhar, Son of Late Banarsi Rajbhar
 9. Birendra Rajbhar, Son of Late Banarsi Rajbhar
 10. Hira Rajbhar, Son of Birendra Rajbhar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shree Kant Pandey, Adv.

For the Opposite Party/s : Mr. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-02-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 147,148,341,323,307
and 506 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Lal
Saheb Singh @ Jag Narayan singh, recorded by S.I. Lakshman
Singh, SHO Police Station on 05.11.2018 at 6.45 P.M., to the
effect that the informant settled his land with Uday Rajbhar and
thereafter, he planted the crops which was obstructed by



petitioner no.1, Surendra Rajbhar. When the informant sent his brother Radheshyam Singh, Murli Singh and nephew Mangal Yadav to pacify the issue, in the meantime, the informant heard the noise that petitioner no.1 is assaulting his brother along with other persons, whereupon when the informant reached at the place of occurrence, he found that all the accused persons, including the petitioners are assaulting the brothers and nephew of the informant with deadly weapon. On seeing such incident when the informant came to rescue them, on the order of petitioner no.1, Surendra Rajbhar and others, all the accused persons brutally assaulted the informant, as a result, informant fell down on the ground. Thereafter all the accused persons assaulted the informant, his brothers and nephew.

It is submitted by learned counsel for the petitioners that in the background of dispute of irrigating the land, the accusation of assault has wrongly been levelled. It is further submitted that there is counter version of the occurrence, being Rajpur P.S. Case No. 262 of 2018, wherein the petitioners have also received injuries. However, from the informant's side two persons, including the informant have received simple injuries. So far injuries of Radheshyam Singh and Murli Singh are concerned, the opinion for the said injuries have been kept



reserved. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation of assault against the petitioners.

Considering the accusation of assault being omnibus and general against the petitioners and there being counter version of the occurrence and genesis of the occurrence, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-VII, Buxar, in connection with Rajpur P.S. Case No.261 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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