

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13571 of 2019

Arising Out of PS. Case No.-121 Year-2018 Thana- BARARI District- Katihar

1. Leelam Devi, W/o Gaya Ram Resident of village-Bhavanipur Kundi Ghat, P.S-Barari Semapur, Distt.- Katihar.
2. Gaya Ram S/o Late Vadar Ram resident of village-Bhavanipur Kundi Ghat, P.S-Barari Semapur, Distt.- Katihar.
3. Seeta Ram @ Seeta Ra S/o Late Vadar Ram resident of village-Bhavanipur Kundi Ghat, P.S-Barari Semapur, Distt.- Katihar.
4. Pankaj Ram S/o Gaya Ram resident of village-Bhavanipur Kundi Ghat, P.S-Barari Semapur, Distt.- Katihar.
5. Deepak Ram @ Deepak Kumar S/o Gaya Ram resident of village-Bhavanipur Kundi Ghat, P.S-Barari Semapur, Distt.- Katihar.
6. Raushan Ram S/o Gaya Ram resident of village-Bhavanipur Kundi Ghat, P.S-Barari Semapur, Distt.- Katihar.
7. Brajesh Ram S/o Gaya Ram resident of village-Bhavanipur Kundi Ghat, P.S-Barari Semapur, Distt.- Katihar.
8. Ganauri Ram S/o Late Vajnathi Ram resident of village-Bhavanipur Kundi Ghat, P.S-Barari Semapur, Distt.- Katihar.
9. Manoj Ram S/o Late Seetaram resident of village-Bhavanipur Kundi Ghat, P.S-Barari Semapur, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 18-06-2019 Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application filed on behalf of petitioner No. 5, namely, Deepak Ram @ Deepak Kumar as he has already been apprehended by the Police.

In view of the above, the application filed on behalf of



petitioner No.5, namely, Deepak Ram @ Deepak Kumar is dismissed as withdrawn.

Heard learned counsel appearing on behalf of petitioner No.1 to 4 and 6 to 9 and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Barari P.S. Case no. 121 of 2018, registered under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

The accusation is that on 25.03.2018 at about 8.00 P.M., nine persons named in the F.I.R., including the petitioners, came at the door of informant Ram Sakal Ram having armed with iron rod, lathi and stick and started to abuse. At that time, they caused injury at the head of informant through iron rod. On hearing hulla, Chotu Ram, Pappu Ram and Maya Devi, sons and wife of informant, rushed there then they were also assaulted by the accused persons. At that time, Pappu Ram sustained fracture injury in his hand and at that time, Dipak Kumar snatched golden chain from the neck of wife of informant and petitioner No.3 Sitaram took cash of Rs. 5000/- from the pocket of the informant.

Learned counsel for the petitioners submits that, in



fact, occurrence of Marpit took place due to petty dispute in which petitioners' side also sustained injury regarding which Barari P.S. Case No. 120 of 2018 is instituted on 26.03.2018 on the basis of fardbeyan of petitioner No. 2 against the informant and others. Moreover, the injuries as found on the person of informant his wife Maya Devi and son Chhotu Ram are simple in nature, whereas, the injury as found on the person of Pappu Ram is grievous due to fracture.

Having regard to the facts and circumstances of the case, let the above named petitioner Nos.1, 2, 3, 4, 6, 7, 8 and 9 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M-V, Katihar in connection with Barari P.S. Case No. 121 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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