

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13402 of 2019

Arising Out of PS. Case No.-97 Year-2018 Thana- BATHNAHA District- Sitamarhi

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1. LAXMAN SINGH Son of Ram Anek Singh R/o village- Bhaluaha, P.S-
Bathnaha, District- Sitamarhi
 2. Shatrudhan Singh Son of Ram Anek Singh R/o village- Bhaluaha, P.S-
Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 10.01.2019 in a case registered for the offence punishable under Sections 341, 323, 326, 324, 379, 447, 504 and 506/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Ram Balak Singh, recorded by Sanjay Kumar Rai, A.S.I., Sitamarhi Police Station on 31.03.2018 at 15.30 P.M., to the effect that on the same day at 11.00 A.M., the co-villager of the informant, namely Laxman Singh, petitioner no.1 was going through the onion field of the informant. On protest being made, he started abusing the informant and assaulted



him. Subsequently, eight accused persons came variously armed when the petitioners Laxman Singh and Satrudhan Singh assaulted the informant with farsa causing injury on his head. It is further alleged that when the son Rakesh Kumar, wife Nirmala Devi and sister-in-law (bhabhi) Kiran Devi of the informant came to rescue him, the accused persons got them injured by assaulting brutally. It is further alleged that co-accused Ranjeet Kumar snatched a 'Mangal Sutra' from the wife of the informant.

It is submitted by learned counsel for the petitioners that in the background of earlier land dispute, the accusation has been levelled against the petitioners. It is further submitted that the injury report of the informant suggests that though he has received five injuries, but out of five injuries, two are lacerated wound over left front parietal region and left supra orbital region of skull, while two injuries are tender swelling over left forearm and shoulder, whereas one injury is abrasion over the left thumb. All the injuries are caused by hard and blunt substance, while the petitioners are alleged to have assaulted the informant with sharp cut weapon. It is further submitted that as a matter of fact, the present case is a counter blast of Bathnaha P.S. Case No. 96 of 2018, lodged by one of



the FIR named co-accused persons, namely Ram Anek Singh against the informant and his family members on 05.04.2018 at 12.25 P.M., when the present FIR was lodged on the same day, but at 12.45 P.M. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that there is specific accusation of assault against the petitioner in the FIR.

Considering the accusation not being corroborated by the medical opinion as the informant was alleged to have assaulted by sharp cut weapon, while the injury has been found caused by hard and blunt substance and the period under custody, 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi, in connection with Bathnaha P.S. Case No. 97 of 2018.

(Dinesh Kumar Singh, J)

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