

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17284 of 2019

Arising Out of PS. Case No.-369 Year-2018 Thana- GOGRI District- Khagaria

1. Kishori Sah @ Kashauri Sah, Son of Late Saudagar Sah, Resident of Village - Pitaunjhiya, P.S.- Gogri, District - Khagaria
2. Ramrakshi Sah, Son of Late Saudagar Sah, Resident of Village - Pitaunjhiya, P.S.- Gogri, District - Khagaria
3. Madan Kumar, Son of Kishori Sah @ Keshauri Sah, Resident of Village - Pitaunjhiya, P.S.- Gogri, District - Khagaria
4. Sikandar Sah, Son of Late Jagroop Sah, Resident of Village - Pitaunjhiya, P.S.- Gogri, District - Khagaria
5. Rookma Devi, Wife of Kishori Sah @ Keshauri Sah, Resident of Village - Pitaunjhiya, P.S.- Gogri, District - Khagaria
6. Uma Devi @ Usha Devi, Wife of Bindeshwari Sah, Resident of Village - Pitaunjhiya, P.S.- Gogri, District - Khagaria
7. Suchita Devi, Wife of Upendra Sah, Resident of Village - Pitaunjhiya, P.S.- Gogri, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Chandra
For the Opposite Party/s : Mr. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-03-2019 Heard learned Counsels for the petitioners and

learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 379, 447, 308, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Pankaj Kumar submitted to SHO, Gogri Police Station is to the effect that the informant's uncle Parmanand Singh, got his purchased land measured by Anchal Amin and bored a pillar on his land.



But on 27.10.2018 at 10.30 P.M., all accused persons including the petitioners went to cultivate the purchased land of the informant's uncle. On protest being made, petitioner no.1, Kishori Sah assaulted with lathi on the left hand and on the back of the informant's uncle. When the informant went to rescue him, then co-accused Saurabh Kumar @ Gandhi Sah assaulted him with butt of the pistol on his forehead. Thereafter, petitioner no.3, Madan Kumar assaulted with an iron rod on his head causing bleeding injury, as a result, he fell down and he also snatched his gold ring worth Rs.8,000/-. It is further alleged that when his aunt and mother came to rescue them, then petitioner no.2, Ramrakshi Sah assaulted his mother with lathi and got her injured and his aunt, Jhalri Devi was also assaulted by co-accused persons. Thereafter, the co-accused persons looted the shop of the informant's uncle and took away cash of Rs.3,000/- from the shop.

It is submitted by learned counsel for the petitioners that the petitioners are the agnates of the informant and medical opinion about the injuries caused to the informant has been kept reserved, whereas the injuries caused to mother and other persons have been found simple in nature. It is further submitted that there is counter version of the occurrence being Gogri P.S.



Case No.368 of 2018 filed from the petitioner's side. 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 accusation of assault is specific against the petitioners and petitioners are named in the FIR.

Considering the fact that the genesis of occurrence being, a land dispute and there is counter version 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 **CJM, Khagaria** in connection with **Gogri P.S. Case No.369 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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