

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25853 of 2019

Arising Out of PS. Case No.-123 Year-2018 Thana- KANHAULI District- Sitamarhi

1. MAHENDRA DAS, aged about 60 years(Male), S/o Late Gudar Das
 2. Arjun Kumar Das @ Arjun Das, aged about 22 years(Male), S/o Siya Ram Das (Wrongly mentioned in the FIR as Gajendra Das)
 3. Vijay Das, aged about 40 years(Male) S/o Siya Ram Das (Wrongly mentioned in the FIR as Gajendra Das)
 4. Sanjay Das, aged about 35 years(Male) S/o Mahendra Das
 5. Urmila Devi, aged about 65 years(Female) W/o Rajendra Das
 6. Mukesh Das, aged about 27 years(Male) S/o Rajendra Das
 7. Malti Devi, aged about 55 years(Female) W/o Mahendra Das
- All are residents of village- Marpa, P.S.- Kanhauli, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-04-2019 Heard both sides.

The petitioners apprehend their arrest in Kanhauli P.S.
Case No.123 of 2018 registered under Section 307 and other
minor Sections of the Indian Penal Code.

The informant in nutshell alleged that on 07.09.2018
she-goat of Rajendra Das has entered into her kitchen garden
and his son kept the she-goat in the pound of the Govt. for
which some verbal altercation took place. On 09.10.2018, the
informant and others gone to the house of Rajendra Das but



Rajendra Das and others including the petitioners began to abuse. Rajendra Das assaulted the informant Ramdeo Sah with katta on his head. When Dilip Kumar Sah and Sikandar Sah both sons of informant came to save the informant, Rajendra Das and Bali Das assaulted them with katta on their head.

The learned counsel for the petitioners submits that Rajendra Das and Bali Das are not the petitioners. The petitioners are of course named in the F.I.R. but no specific allegation of assault is made against them. It is further submitted that there is a counter version being Kanhauli P.S. Case No.124 of 2018. There is a land dispute between two sides on account of which some altercation took place and both sides entered into mutual assault.

Taking into consideration the fact that petitioners are of course named in the F.I.R. but no specific allegation is made against the petitioners, the specific allegation of assault is made against Rajendra Das and Bali Das, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Sitamarhi in connection with Kanhauli P.S. Case
No.123 of 2018, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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