

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 39401 of 2019

Arising Out of PS. Case No.-93 Year-2019 Thana- RANIGANJ District- Araria

1. BIJAY SHARMA aged about 26 years(M) Son of Kripal Sharma
 2. Ajay Sharma aged about 22 years(M) Son of Kripal Sharma
 3. Balo Sharma aged about 21 years(M) Son of Kripal Sharma
 4. Birbal Sharma @ Birbal Kumar aged about 18 years(M) Son of Kripal Sharma
 5. Kripal Sharma aged about 45 years(M) Son of Late Jagdish Sharma
 6. Binod Paswan aged about 40 years(M) Son of Kamal Paswan
 7. Bablu Paswan aged about 19 years(M) Son of Kamal Paswan
 8. Mukesh Sharma aged about 40 years(M) Son of Shobhan Sharma
 9. Kunti Devi aged about 45 years(F) Wife of Bindeshwari Sharma
 10. Ranjeet Sharma aged about 35 years(M) Son of Bindeshwari Sharma
 11. Anita Devi aged about 40 years(F) Wife of Bijay Sharma
 12. Chhotelal Ram @ Chhotelal Sharma aged about 40 years(M) Son of Late Prem Lal Ram
- All are residents of Village-Thekpura Ward no.11, Police Station-Raniganj, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-06-2019 Heard both sides.

The petitioners apprehend their arrest in Raniganj P.S.

Case No.93 of 2019 registered under Sections 147, 148, 149,
341, 323, 324, 307, 354(B), 379, 427, 504 and 506 of the Indian



Penal Code.

The informant named all the twelve petitioners and alleged that she purchased a piece of land measuring 9.5 decimals of Khesra No.845, Khata No.3962 situated in village-Bhaurha. The informant constructed her house thereon but the accused persons having armed with different weapons came on the land and tried to construct thashed house on her land. The accused persons are said to have assaulted the informant, her husband and other family members. Kripal Sharma, petitioner No.5 is alleged to have assaulted Tarachand Sharma @ Ram Chandra Sharma, the husband of the informant with khanti, a hard blunt weapon on his head.

The learned counsel for the petitioners submits that there is a counter version being Raniganj P.S. Case No.94 of 2019. Anita Devi, wife of Bijay Sharma alleged that Tarachand Sharma and others came and assaulted her to remove her house situated on the land and when the informant refused all the accused persons assaulted Anita Devi and others and took away different articles. The occurrence took place due to land dispute and both sides appear to have entered into mutual assault on each other. It is submitted that the injuries found on the person of Ram Chandra Sharma @ Tarachand Sharma are simple in



nature. It is further submitted that alias name of Tarachand Sharma is Ram Chandra Sharma.

Learned A.P.P. however vehemently opposed the prayer for bail.

From the facts, it appears that there is a case and counter case. Both the sides claims the land and the house standing thereon to be their own and for removal of the house from the land, both sides appeared to have entered into mutual assault on each other in which the informant and his family members got injuries but the doctor opined the injuries found on the person of the husband of the informant are simple in nature.

Taking into consideration the facts aforesaid, 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 S.D.J.M., Araria in connection with Raniganj P.S. Case No.93 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Prabhat Kumar Jha, J)

