

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40058 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- PIPRAKOTHI District- East Champaran

1. Dinanath Sah, Son of Late Ratan Sah Resident of Village - Bathna, P.S.- Pipra Kothi, Dist.- East Champaran.
2. Jai Kishor Sah Son of Dinanath Sah Resident of Village - Bathna, P.S.- Pipra Kothi, Dist.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 01-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Pipra Kothi P.S. Case no. 37 of 2019, registered under Sections 341, 323, 324, 325, 307, 379, 504 and 506/34 of the Indian Penal Code.

The accusation is that on 25.01.2019, five persons named in the F.I.R., including the petitioners, came at the door of the informant and started to abuse due to land dispute. At that time, on the order of petitioner No.1 Dinanath Sah, Manoj Sah caused injury at the head of informant through Dabiya, petitioner No.2 Jai Kishore Sah also caused injury at his nose.



On raising alarm, Rajesh Kumar, son of informant, rushed then he was also assaulted by petitioner No.2 at the head and Manoj Sah also caused injury through iron rod to his son. When sister in law of the informant rushed to save then Manoj Sah caused injury at her head through iron rod then she fell down then Ritu Devi caused assault to her through feet. At that time, Gunari Devi snatched golden chain from the neck of daughter in law of the informant.

Learned counsel for the petitioners submits that petitioner No.1 is said to be order giver and petitioner No.2 is said to cause injury to the informant Ramchandra Sah, Rajesh Sah, but the injuries as found on the person of informant and Rajesh Sah are simple in nature. Further submission is that occurrence of Marpit took place due to land dispute in which petitioner side also sustained injuries regarding which Pipra Kothi P.S. Case No. 36 of 2019, under Sections 341, 323, 324, 307, 379, 354 and 506/34 of the Indian Penal Code and Section 3/4 of the Witch Craft Act was instituted against the informant and others on the basis of written report of petitioner No.1. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Pipra Kothi P.S. Case No. 37 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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