

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71365 of 2018

Arising Out of PS. Case No.-112 Year-2018 Thana- BARUN District- Aurangabad

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1. Yamuna Singh and Ors Late Harihar Singh
 2. Jitendra Singh S/o Yamuna Singh
 3. Upendra Singh S/o Yamuna Singh
 4. Ujawal Singh @ Ujjawal Singh S/o Jitendra Singh null
 5. Ishu Singh @ Isu Kumar S/o Jitendra Singh
 6. Renu Devi @ Rajani Devi W/o Upendra Singh
 7. Nuri Devi W/o Jitendra Singh All are Resident of Village-Mastul Bartun,P.S. Barun,Distt.-Aurangabad

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 29-01-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Barun P.S. Case no. 112 of 2018, registered under Sections 308, 379, 341, 323, 504, 506, 147 and 149 of the Indian Penal Code.

The accusation is that in the morning of 09.06.2018 the petitioner No.1 Yamuna Singh started constructing house over the disputed land then informant Kameshwar Singh made protest. Thereafter, all the petitioners having danda, Lathi, Tangi and rod in their hands came there and started to abuse and cause assault to him in which he fell



down, when his wife Gita Devi and sons Rohit and Pawan rushed to save him then they were also assaulted by them. At that time, petitioner No.3 Upendra Singh snatched mobile set from the pocket of the informant.

Learned counsel for the petitioners submits that, in fact, occurrence of Marpit took place due to land dispute in which both sides sustained injuries and on the basis of written report of Rashmi Devi, wife of petitioner No.1, Barun P.S. Case No. 113 of 2018, under Sections 147, 149, 341, 323, 308, 379, 504 and 506 of the Indian Penal Code was instituted against the informant of the present case and all have allowed privilege of pre-arrest bail on 28.09.2018 passed in Criminal Miscellaneous No. 54357 of 2018 and on 08.10.2018 passed in Criminal Miscellaneous No. 56255 of 2018 by this Court and a co-ordinate Bench of this Court. Further submission is that the injuries as found on the person of informant his wife and sons are simple in nature, except, injury No.1 of the informant, injury No. 4 of Roshan regarding which the opinion was kept reserved.

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) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No.112 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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