

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48913 of 2019

Arising Out of PS. Case No.-246 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

1. NARESH DAS Son of Late Madan Das Resident of Village- Devkuli (Dekuli), P.S.- Makhdumpur, Tehta O.P.), District- Jehanabad.
2. Awadhesh Das Son of Late Madan Das Resident of Village- Devkuli (Dekuli), P.S.- Makhdumpur, Tehta O.P.), District- Jehanabad.
3. Rakesh Kumar @ Rakesh Das Son of Sri Awadhesh Das Resident of Village- Devkuli (Dekuli), P.S.- Makhdumpur, Tehta O.P.), District- Jehanabad.
4. Dinesh Das Son of Late Madan Das Resident of Village- Devkuli (Dekuli), P.S.- Makhdumpur, Tehta O.P.), District- Jehanabad.
5. Nandlal Ravidas @ Nandlal Das @ Nand Lal Ravidas @ Nand Lal Das Son of Late Madan Das Resident of Village- Devkuli (Dekuli), P.S.- Makhdumpur, Tehta O.P.), District- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No 13
For the State	:	Mr.Ramchandra Singh
For the informant	:	Mr. Shiv Kr. Prabhakar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-08-2019 Heard both sides.

The petitioners apprehend their arrest in Makhdumpur P.S. case No. 246 of 2019 registered under Section 147, 148, 149, 341, 448, 323, 324, 379, 307, 504, 506 of the IPC.

The informant alleged that his daughter-in-law, Chandrawati Devi, was sweeping her door. Punam Devi abused his daughter-in-law and asked why she was tying animal on her land. On such, some verbal altercation took place but the



petitioners and other accused persons, ten in number, came and assaulted his daughter-in-law and others.

The learned counsel for the petitioner submits that there is counter version being Makhdumpur P.S. case No. 242 of 2019. Punam Devi, wife of Naresh Das, petitioner No.1, is informant of the case. The petitioners, the informant and his family members are co-sharers. Prior to institution of the present case a petition was filed before the Circle Officer for partition of the property of the two families. It is further submitted that, of course, Naresh Das is alleged to have assaulted Chandrawati Devi and others but from perusal of injury report of Chandrawati Devi, Jyotish Das and Satish Das it would appear that all the injuries sustained by them are superficial and simple in nature. Persons from the side of petitioners also sustained injuries. Admittedly, the occurrence took place due to land dispute.

The learned counsel for the informant as well as the learned APP vehemently opposed the prayer for anticipatory bail and submitted that there is specific allegation against petitioner No.1, Naresh Das, that he assaulted Chandrawati Devi with iron rod on her head and also assaulted her son Jyotish Das and Satish Das. The injury was found on the vital part of the body.



It appears that there is case and counter case. From the side of petitioners Makhdumpur P.S. case No. 242 of 2019 was registered. The occurrence is said to have taken place on account of dispute with regard to land and for tying animal. Both sides claimed the land to be their own. The injuries found on the injured are superficial and simple in nature.

Taking into consideration the facts aforesaid, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub divisional Judicial Magistrate, Jehanabad in connection with Makhdumpur P.S. case No. 246 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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