

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54765 of 2019

Arising Out of PS. Case No.-113 Year-2019 Thana- MIRGANJ District- Gopalganj

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1. GUDDU PRASAD KESHARI @ GUDDU PRASAD Son of Late Banarasi Keshri (wrongly written as Late Mohanji Keshri in Accused column)
Resident of Village - Daldali Mohalla Mirganj, P.S.- Mirganj, District - Gopalganj
 2. Anish Prasad Keshari @ Anish Kumar Keshari Son of Late Mohanji Keshari
Resident of Village - Daldali Mohalla Mirganj, P.S.- Mirganj, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma
For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 30-08-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mirganj P.S. Case No.113 of 2019 registered under Sections 341, 323, 307, 354, 504 and 379/34 of the Indian Penal Code.

The accusation is that on the land and house, which were given to the mother and maternal aunt (Mausi) of the informant by their parents, there is half share of the informant and half share is of the sons of the maternal aunt (Mausi) of the informant on the same. Two rooms, which are in the share of



the informant, were given to the shopkeepers on rent by Guddu Prasad Keshari (petitioner no.1) and Amar Prasad Keshari and they used to realize the rent themselves. The informant asked the shopkeepers that both the shops are in his share and to pay the rent of the same to him, otherwise to vacate the house but both the aforesaid persons forbade the shopkeepers to pay the rent to him. On 16.05.2019 at about 08.00 A.M., when shopkeeper Dinbandhu came to open the shop, the informant asked him not to open the shop. In the meantime, Guddu Prasad Keshari (petitioner no.1), Amarnath Prasad Keshari and Anish Prasad Keshari (petitioner no.2) along with others, named in the F.I.R., came there. Thereafter, the petitioner no.2 caught hold of the informant and the petitioner no.1 and Amarnath Prasad Keshari started to cause assault him through lathi and fighter. The petitioner no.1 caused cut injury on the left eye of the informant with pointer causing problem in hearing and vision. Others also caused assault to the informant with Labda. When the informant fell down, they took Rs.55000/- from the pocket of the informant and snatched the gold chain from his neck. When the wife of the informant rushed there in his rescue, all caused assault to her by dragging and catching her hair.

Learned counsel for the petitioners submits that,



admittedly, the petitioner no.1 is cousin and the petitioner no.2 is own brother of the informant and due to dispute regarding the partition in the house, the informant has lodged the present case with false allegation. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, 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 the Chief Judicial Magistrate, Gopalganj, in connection with Mirganj P.S. Case No.113 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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