

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60114 of 2019

Arising Out of PS. Case No.-113 Year-2019 Thana- BELA District- Sitamarhi

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1. RAM SUNDAR DEVI @ JAISUNDAR DEVI Wife of Nagendra Ray
Resident of Village-Bathuara, Police Station-Bela, District-Sitamarhi.
 2. Awadhesh Ray Son of Nagendra Ray Resident of Village-Bathuara, Police
Station-Bela, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-10-2019 Heard both sides.

Petitioners apprehend their arrest in Bela P.S. Case No.113 of 2019 registered under Sections 307, 379 and other sections of the Indian Penal Code.

The informant named five accused persons including two petitioners, namely, Ram Sundar Devi and Awadhesh Ray and alleged that all the accused persons came and assaulted the informant on account of land dispute. When the informant asked not to abuse, Nagendra Ray assaulted him with farsa on his head. Awadhesh Ray (petitioner no.2) and Ram Pravesh Ray assaulted him with iron rod on his hand causing fracture injury. On alarm, his daughter-in-law came to save, Mahendra Ray



assaulted her with farsa on her head. Petitioner no.1 is alleged to have assaulted her with lathi and snatched ornaments from her possession.

Learned counsel for the petitioners submits that admittedly the occurrence took place due to land dispute. The allegation against petitioner no.1 Ram Sundar Devi is that she assaulted the daughter-in-law of the informant. Awadhesh Ray is alleged to have assaulted the informant with iron rod on his hand.

Learned counsel for the informant and learned A.P.P. while opposing the prayer for anticipatory bail submit that both hands of the informant were fractured and the injuries are grievous in nature. Besides these injuries, the informant also got injury on his head which is attributed to Nagendra Ray, who is not petitioner here. It is submitted that Awadhesh Ray does not deserve anticipatory bail.

It appears from the allegations that petitioner no.1 Ram Sundar Devi is alleged to have assaulted the daughter-in-law of the informant with lathi and snatched her ornaments but the daughter-in-law of the informant received simple injury.

Having considered the facts that the occurrence took place due to land dispute and on account of assault made by



petitioner no.1, namely, Ram Sundar Devi @ Jaisundar Devi, the informant got simple injury, petitioner no.1, in the event of her arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Bela P.S. Case No.113 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far the case of petitioner no.2, namely, Awadhesh Ray is concerned, he is alleged to have assaulted the informant with iron rod on his hands and both hands of the informant were fractured.

Having considered the facts aforesaid, I am not inclined to enlarge petitioner 2, namely, Awadhesh Ray on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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