

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74504 of 2018

Arising Out of PS. Case No.-135 Year-2018 Thana- BIRAUL District- Darbhanga

1. Ashutosh Acharya son of Govind Acharya
2. Gopal Acharya son of Pitamber Acharya
3. Pankaj Acharya son of Pitamber Acharya
4. Raushan Kumar @ Raushan Acharya son of Govind Acharya
5. Govind Acharya son of Pitamber Acharya All Resident of Village- Balia, P.S. Biraul, District Darbhanga.

... .. Petitioners.

Versus

The State Of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Ajay Kumar Thakur, Advocate. Ms. Babita Kumari, Advocate. Mr. Pravin Kumar, Advocate.
For the State	:	Mr. Uma Shankar Prasad Singh, A.P.P.
For the informant	:	Mr. Rana Vikram Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

7 20-06-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Biraul P.S. Case No.135 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 307 and 379 of the Indian Penal Code.

The accusation is that on 28.05.2018 in the morning, 10 persons, named in the F.I.R., including the petitioners came at the purchased land of the informant Brij Kishore Acharya and started to construct the house. When the informant made protest, saying that the case is going on in respect of the land, then Pitambar Acharya



asked for bringing the Farsa, which was handed over to him by Pramila Devi, and thereafter, Govind Acharya (petitioner no.5) gave Farsa blow at the head of the informant causing grievous injury. After that, Ashutosh (petitioner no.1), Raushan (petitioner no.4), Gopal (petitioner no.2) and Natwar committed “Maar-Peet” with him. When Ramchandra Acharya, the son of the informant, rushed to save the informant, Govind Acharya (petitioner no.5) caused injury to him through Khanti and all caused assault to him through lathi and danda. Thereafter, Ghanshyam, another son of the informant, rushed to save, then Govind (petitioner no.5), Ashutosh (petitioner no.1), Raushan (petitioner no.4), Natwar, Prem Devi and others caused injury at him through sword, lathi and danda. Thereafter, the informant and his sons were rushed for treatmentt at Biraul Government Hospital, from where they were referred to D.M.C.H. for better treatment.

Learned counsel for the petitioners submits that, in fact, the occurrence of “Maar-Peet” took place in between the parties due to land dispute regarding which the litigation is going on and in the occurrence, both the parties sustained injuries. Further submission is that no specific overt act is attributed to the petitioner nos.1, 2, 3 and 4, while there is allegation against the petitioner no.5 to give Farsa blow at the head of the informant. The injury report as issued by the Darbhanga Medical College and Hospital on 02.07.2018 shows that one lacerated wound over the left temporal region of skull of size 3



cm. X 1 cm. X 1 cm. was found on the person of the informant, which is simple in nature but, later on, the informant got managed to obtain another injury report on 25.07.2018 from P.H.C. Biraul, showing one injury as found on his person is grievous in nature caused by sharp cutting weapon, whereas two injuries are simple in nature.

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 Additional Chief Judicial Magistrate, Biraul, in connection with Biraul P.S. Case No.135 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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