

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66664 of 2019

Arising Out of PS. Case No.-576 Year-2019 Thana- FORBESGANJ District- Araria

1. BECHAN SAH Son of Late Kishun Sah Resident of Rampur Uttar, Ward NO. 11, Police Station- Forbesganj, District- Araria.
2. Sushant Sah @ Sushant Kumar Son of Late Bechan Sah Resident of Rampur Uttar, Ward NO. 11, Police Station- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vasudeo Ram

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-10-2019 Heard both sides.

The petitioners apprehend their arrest in Forbesganj P.S. case No. 576 of 2019 registered under Section 342, 323, 307, 427, 379, 34 of the IPC.

The informant named both the petitioners and alleged that she had stacked bricks on her Darwaja. The lavatory of the accused persons is situated by the side of Darwaja of the informant. On account of incessant rain the bricks fell down by the side of lavatory of the accused persons and caused some damage. On such Bechan Sah and Sushant Sah, petitioners No. 1 and 2, and Pankaj Sah assaulted the informant and her son with sharp edged weapon. The accused persons also entered into



the office of C.S.P. run by her son and damaged different articles kept in the office of C.S.P.

The learned counsel for the petitioners submits that prior to the institution of the present case on the basis of fard bayan of petitioner No.1 Forbesganj P.S. case No. 575 of 2019 has been registered against the informant and others, including her son. The petitioners received grievous injuries on account of assault made by Sanjay Thakur, son of the informant of the present case. It is further submitted that informant alleged that petitioners indiscriminately assaulted the informant and her son with sharp edged weapon but the informant got only one abrasion over her forehead and the injury is caused by hard and blunt object and is simple in nature. Similarly, son of the informant also got one small cut over the scalp of right side and the injury is simple caused by hard and blunt object and the allegation of indiscriminate assault with sharp edged weapon is falsified. The occurrence took place due to land dispute.

It appears that both sides were engaged in mutual assault on each other on account of land dispute and from the side of the petitioners Forbesganj P.S. case No. 575 of 2019 is registered prior to institution of the present case. Of course, the informant alleged that she and her son were indiscriminately



assaulted by the sharp edged weapon but the injuries found on the informant and her son are simple caused by hard and blunt object.

Considering the facts aforesaid and nature of allegation made against the petitioners, 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 Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. case No. 576 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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