

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68442 of 2019

Arising Out of PS. Case No.-237 Year-2019 Thana- PATLIPUTRA District- Patna

1. RAJESH KUMAR Son of Late Krishna Singh Resident of Mohalla-Mainpura, Ram Janki Mandir Gali, Police Station-Patliputra, District-Patna.
2. Rakesh Kumar @ Gorakh Kumar Son of Late Krishna Singh Resident of Mohalla-Mainpura, Ram Janki Mandir Gali, Police Station-Patliputra, District-Patna.
3. Om Prakash Son of Surendra Singh Resident of Mohalla-Mainpura, Ram Janki Mandir Gali, Police Station-Patliputra, District-Patna.
4. Putul Kumar Son of Surendra Singh Resident of Mohalla-Mainpura, Ram Janki Mandir Gali, Police Station-Patliputra, District-Patna.
5. Bittu Singh @ Bittu Kumar Son of Ramesh Singh Resident of Mohalla-Mainpura, Ram Janki Mandir Gali, Police Station-Patliputra, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navin Kumar

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-11-2019 Heard both sides.

The petitioners apprehend their arrest in Patliputra P.S. case No. 237 of 2019 registered under Section 341, 323, 504, 324, 307/34 of the IPC.

Jaynendra Kumar Sinha, the informant, named 12 persons including these five petitioners and alleged that he got information that some persons were damaged his house and name plate. On such information, the informant went there. The informant alleged that when he protested Kundan Kumar and Om Prakash Singh, petitioner No.3, caught him. Chandan Singh caught his waist. The accused persons assaulted him with fists and slaps and the informant fell down on the ground. Jai



Prakash Singh, who is not petitioner here, indiscriminately stabbed him with dagger.

The learned counsel for the petitioners submits that the informant got as many as six stab injuries on different parts of his body. There is no other injury on the person of informant. The petitioners are, of course, named in the FIR but no specific allegation of assault is made against the petitioners. There is bonafide land dispute between two sides.

Taking into consideration the facts aforesaid and the fact that there is bonafide land dispute between two sides and there is no allegation of assault against the petitioners whereas specific allegation of assault is against Jai Prakash Singh that he indiscriminately stabbed the informant, 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 Additional Chief Judicial Magistrate-XII, Patna in connection with Patliputra P.S. case No. 237 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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