

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87 of 2020

Arising Out of PS. Case No.-159 Year-2019 Thana- PARASBIGHA District- Jehanabad

1. Braj Nandan Prasad @ Brij Nandan Prasad Son of Late Kuleshwar Prasad
2. Arvind Kumar Son of Braj Nandan Prasad @ Brij Nandan Prasad
Both are residents of Village - Amain, Uttari Mathiya, P.S.- Parasbigha in the District of Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-02-2020 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under sections 341, 323, 504, 379, 307, 325 and 34 of the Indian Penal Code.

Prosecution case, in brief, is that on 02.08.2019 at about 04:00 PM, the petitioners along with other accused persons arrived at his house armed with weapons and petitioner no.1 asked to remove the bricks but the informant stated he has kept the bricks in his land. Thereafter Brijnandan Prasad started abusing which was objected by the informant then Arvind Kumar (petitioner no.1) with intention to kill the informant assaulted him with Iron rod on his head causing bleeding injury and Brijnandan Prasad assaulted with lathi on the right hand of the informant causing fracture injury as a result the informant



fell down on the ground and thereafter Arvind Kumar assaulted him with Iron rod on left side and back and petitioner no.1, snatched golden ornament from his neck. It has further been submitted that petitioner no.1 assaulted Om Prakash Yadav by lathi on his head, back and waist and Ramsevak Yadav assaulted Ranjan Yadav with lathi and when wife of the informant came to save him then Usha Kumari and Rajni Kumari threw her on the ground and pressed her neck and assaulted with brick on her mouth and Usha Kumario snatched the golden Jiutiya from the neck of Rajiya Devi and Domini Devi assaulted Saheli Devi and Rajni Kumari snatched the golden *mangalsutra* from the neck of Saheli Devi and thereafter the accused persons entered into the house of the informant and Arvind Kumar took away a box containing silver ornaments and cash of Rs. 5,000/-

It has been submitted on behalf of the petitioners that petitioners have falsely been implicated in this case on the basis of land dispute between the parties. It has further been submitted that there is case and counter case between the parties and present case has been lodged to save from Parasbigha P.S. Case No. 155 of 2019 lodged by the petitioner no.1. It has



further been submitted that there is inordinate delay of 5 days in lodging the FIR without plausible explanation. It has further been submitted that the injuries caused to the informant's side in simple in nature. The petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of their arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st, Jehanabad in connection with Parasbigha P.S. Case No. 159 of 2019 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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