

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11742 of 2020

Arising Out of PS. Case No.-530 Year-2019 Thana- DHANARUA District- Patna

1. Biral Ram @ Viral Ram Son of Late - Barhan Ram Resident of Village - Majnanpur, P.S. - Dhanaru, District - Patna.
2. Shailendra Ram Son of Late - Barhan Ram Resident of Village - Majnanpur, P.S. - Dhanaru, District - Patna.
3. Chandar Ram Son of Late - Barhan Ram Resident of Village - Majnanpur, P.S. - Dhanaru, District - Patna.
4. Santosh Ram Son of Late - Barhan Ram Resident of Village - Majnanpur, P.S. - Dhanaru, District - Patna.
5. Brind @ Vrind Ram Son of Biral Ram @ Viral Ram Resident of Village - Majnanpur, P.S. - Dhanaru, District - Patna.
6. Dipak Ram Son of Chander Ram Resident of Village - Majnanpur, P.S. - Dhanaru, District - Patna.
7. Nibha Devi Wife of Biral @ Viral Ram Resident of Village - Majnanpur, P.S. - Dhanaru, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-06-2020 Heard learned counsel for the petitioners and learned counsel for the State through video conferencing.

The petitioners have filed this application for grant of anticipatory bail apprehending their arrest in connection with Dhanarua P.S. Case no. 530 of 2019 registered under sections 323, 324, 354, 506, 509, 504, 427, 435, 379 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that as a result of dispute of flow of drain, there was dispute between the parties as a result of which they were



abused and the accused persons including Biral Ram, Shailendra Ram, Chandar Ram, besides others assaulted, abused and threw the informant on the ground. The sons of the informant and others who came to their to rescue were also assaulted. It is further stated that Biral Ram assaulted with a Khanti while Brind Ram fired in the air. Other accused persons assaulted with lathi, brick etc.

It is submitted by learned counsel for the petitioners that the occurrence is stated to have taken place on 11.11.2019 but the manner as prescribed in the FIR contained in Annexure 1 is not the correct version. The correct version is the FIR at Annexure 2 which was lodged by the petitioner no. 2. The petitioners have also brought on record copies of the injury reports and discharge tickets with respect to the persons who sustained injuries on their side. It is further submitted that much after lodging of the FIR as contained in Annexure 2 on 2.12.2019, that the fardbeyan of Munki Devi was recorded on 19.12.2019 and it was more than a month after the occurrence and more than 15 days after the FIR having been lodged by the petitioner that the instant FIR has been registered. It is submitted that no such occurrence as alleged against them has taken place and all the offences except sections 354 and 379 of the Indian Penal Code are bailable. The petitioners have no criminal antecedent.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the fact of there being a case and counter case with respect to the same occurrence, the case against the petitioners having been lodged after much delay on 19.12.2019



and the petitioners having no criminal antecedent, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Dhanarua P.S. Case no. 530 of 2019 will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Masaurhi, Patna subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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