

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8531 of 2019

Arising Out of PS. Case No.-64 Year-2012 Thana- MINAPUR District- Muzaffarpur

1. LAXMI RAI S/o Late Mohipat Ray R/o Vill.- Mothaha, P.S.- Meenapur, District-Muzaffarpur.
2. Geeta Devi W/o Laxmi Rai R/o Vill.- Mothaha, P.S.- Meenapur, District-Muzaffarpur.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners : Mr. Pawan Kumar, Advocate.
For the State : Mr. Anant Kumar-1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 31-01-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Meenapur P.S. Case No.64 of 2012 registered under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code.

The accusation is that while the informant Alok Kumar was returning to his house with cash Rs.25000/- to give the labourers as the construction of his house was going on, both the petitioners and their son, namely, Roshan Kumar, having iron rod and bamboo in their hand reached near the informant. At that time, the petitioner no.2 Geeta Devi gave the



iron rod blow at the forehead of the informant, causing injury on his head, due to which he fell down. Thereafter, the petitioner no.1 Laxmi Rai asked to kill the informant and he also gave the iron rod blow at his head, causing blood oozing injury. In the meantime, Roshan Kumar took Rs.25000/- from the pocket of the informant.

Learned counsel for the petitioners submits that, in fact, the informant Alok Kumar is the own brother of the petitioner no.1 and due to land dispute, the hot exchange of words and scuffle took place in between them but with an ulterior motive, the informant has lodged the present case. Further submission is that, on investigation, while the charge-sheet was submitted by the police against the petitioner no.1, only for the offence under Sections 323, 341, 324 and 504 of the Indian Penal Code but differing with the same, the learned trial court took the cognizance of the offence against all the accused including the petitioners for the offence under Sections 307 and 379/34 of the Indian Penal Code. Moreover, the injuries, as found on the person of the informant, 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-cum-Sub Judge-X, Muzaffarpur, in connection with
Meenapur P.S. Case No.64 of 2012, subject to the conditions
laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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