

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22125 of 2020

Arising Out of PS. Case No.-649 Year-2019 Thana- AMARPUR District- Banka

1. UMA DAS S/o Late Kamodar Das Resident of Village- Ramnagar, P.S.- Amapur, Distt- Banka.
2. Nisha Devi D/o Uma Das Resident of Village- Ramnagar, P.S.- Amapur, Distt- Banka.
3. Rishi Das S/o Uma Das Resident of Village- Ramnagar, P.S.- Amapur, Distt- Banka.
4. Sajni Devi W/o Uma Das Resident of Village- Ramnagar, P.S.- Amapur, Distt- Banka.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners : Mr. Ajay Mukherjee, Advocate.

For the State : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 17-09-2020 In view of the submission and undertaking of the learned counsel for the petitioners, at the time of hearing of this application, through Video Conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 10.07.2020, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Uma Das, has already been arrested by the police in this case and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Uma Das.



Permission is accorded.

This application in respect of the petitioner no.1, namely, Uma Das, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.2, 3 and 4, namely, Nisha Devi, Rishi Das and Sajni Devi, respectively, for grant of privilege of pre-arrest bail is being considered.

Heard learned counsel for the petitioner nos.2, 3 and 4 and the learned A.P.P. for the State, through Video Conferencing.

The petitioner nos.2, 3 and 4, above named, apprehend their arrest in connection with Amarpur P.S. Case No.649 of 2019 registered under Sections 341, 307, 354, 504 and 506/34 of the Indian Penal Code.

The accusation is that in the morning of 10.12.2019, when the informant Rupesh Das came out from his house, then saw that four persons, named in the F.I.R., including the petitioner nos.2, 3 and 4, namely, Nisha Devi, Rishi Das and Sajni Devi, respectively, were engaged in cutting the Guava tree, situated in front of his door. When the informant made protest, then the petitioner nos.2, 3 and 4 started to abuse him and caused assault to him through lathi and danda, due to which the informant sustained injury on his head. When Anjani Devi, the wife of the informant, rushed to save the informant, then the petitioner nos.2, 3 and 4 also abused her and caused injury on her head through lathi and danda.

Learned counsel for the petitioner nos.2, 3 and 4 submits



that, in fact, the petitioner nos.2, 3 and 4 and the informant are Gotiyas and due to land dispute, hot exchange of words and scuffle took place in between them in which the informant and his wife sustained injury on their head. The injuries, as found on the persons of the informant and his wife, are simple in nature. The petitioner nos.2, 3 and 4 have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioner nos.2, 3 and 4, 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 Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No.649 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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