

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20258 of 2020

Arising Out of PS. Case No.-201 Year-2019 Thana- BHARGAMA District- Araria

1. Jogendra Ram, Son of Raghuni Ram Resident of Village - Bishahriya Ward No. 04, P.O.- Akarthapa, P.S.- Bhargama, District - Araria.
2. Vijendra Ram @ Vijendra Kumar, Son of Jogendra Ram Resident of Village - Bishahriya Ward No. 04, P.O.- Akarthapa, P.S.- Bhargama, District - Araria.
3. Babloo Kumar Ram @ Gajendra Kumar Ram, Son of Jogendra Ram Resident of Village - Bishahriya Ward No. 04, P.O.- Akarthapa, P.S.- Bhargama, District - Araria.
4. Sulekha Devi, Wife of Vijendra Ram Resident of Village - Bishahriya Ward No. 04, P.O.- Akarthapa, P.S.- Bhargama, District - Araria.
5. Bibha Kumari @ Vibha Devi, Daughter of Jogendra Ram Resident of Village - Bishahriya Ward No. 04, P.O.- Akarthapa, P.S.- Bhargama, District - Araria.
6. Savitri Devi, Wife of Jogendra Ram Resident of Village - Bishahriya Ward No. 04, P.O.- Akarthapa, P.S.- Bhargama, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20292 of 2020

Arising Out of PS. Case No.-100 Year-2019 Thana- MAHILA P.S. District- Araria

1. Jogendra Ram, S/o Raghuni Ram R/o village- Bishahriya Ward No. 04, P.O.- Akarthapa, P.S.- Bhargama, District- Araria
2. Vijendra Ram S/o Jogendra Ram R/o village- Bishahriya Ward No. 04, P.O.- Akarthapa, P.S.- Bhargama, District- Araria
3. Babloo Kumar Ram @ Gajendra Kumar Ram @ Gajendra Ram Son of Jogendra Ram R/o village- Bishahriya Ward No. 04, P.O.- Akarthapa, P.S.- Bhargama, District- Araria
4. Sulekha Devi W/o Vijendra Ram R/o village- Bishahriya Ward No. 04, P.O.- Akarthapa, P.S.- Bhargama, District- Araria
5. Bibha Kumari D/o Jogendra Ram R/o village- Bishahriya Ward No. 04, P.O.- Akarthapa, P.S.- Bhargama, District- Araria
6. Savitri Devi W/o Jogendra Ram R/o village- Bishahriya Ward No. 04, P.O.- Akarthapa, P.S.- Bhargama, District- Araria

... .. Petitioner/s

Versus



The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20258 of 2020)

For the Petitioner/s : Mr. Diwakar Prasad Singh- Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh- P.P. Incharge

(In CRIMINAL MISCELLANEOUS No. 20292 of 2020)

For the Petitioner/s : Mr. Diwakar Prasad Singh- Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh- P.P. Incharge

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

4 06-01-2021 Since for the same occurrence, two separate F.I.Rs., in two separate police stations, were lodged, both the petitions have been filed in separate cases and, accordingly, both the above stated petitions are being disposed of by a common order.

Heard learned counsel appearing for the petitioners as well as learned Public Prosecutor Incharge appearing for the State.

Petitioners apprehend their arrest in connection with Bhargama P. S. Case No.201 of 2019 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 447, 448, 427, 379, 504, 506 of the I.P.C. and Mahila P. S. Case No.100 of 2019 registered for the offences punishable under Sections 447, 341, 323, 307, 143, 504, 354(B), 379/ 34 of the I.P.C.

Bhargama P. S. Case No.201 of 2019 was registered on the basis of written report of informant Shankar Ram against



the petitioners and one Upendra Ram for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 447, 448, 427, 379, 504 and 506 of the I.P.C. for the occurrence of dated 18.08.2019 which had taken place at about 8.00 A.M. at the house of above stated informant Shankar Ram. The aforesaid Bhargama P. S. Case No.201 of 2019 was registered on 19.08.2019. Subsequently, one Meena Devi, who happens to be wife of informant Shankar Ram, lodged Mahila P. S. Case No. 100 of 2019 under Sections 447, 341, 323, 307, 143, 504, 354(B), 379/ 34 of the I.P.C. against the petitioners and one Upendra Ram for the occurrence of 18.08.2019, but she claimed that the occurrence took place at 7.00 A.M. It is pertinent to note here that Mahila P. S. Case No.100 of 2019 was registered on 23.08.2019 i.e. after four days of the alleged occurrence.

In both the above stated cases, the allegation against petitioners is that they having entered into the house of informant Shankar Ram, assaulted the inmates of the house including informant Shankar Ram.

Learned counsel appearing for the petitioners submits that the written report of informant Shankar Ram reflects that there was land dispute between the parties and allegedly, occurrence took place on account of above stated land dispute.



Learned counsel for the petitioners further submits that as a matter of fact, both the parties have settled their land dispute amicably and, now, they have no grievance against each others.

Learned counsel for the petitioners further submits that almost all the injureds except injured Shankar Ram sustained simple injury and so far as injured Shankar Ram is concerned, he sustained only one grievous injury that too, on his leg, which is not the vital part of the body. Learned counsel for the petitioners further submits that in Bhargama P. S. Case No. 201 of 2019, almost all the Sections are bailable except Section 379 of the I.P.C. and, similarly, in Mahila P. S. Case No.205 of 2019, almost all the sections are bailable in nature except Section 379 and 354(B) of the I.P.C.

The perusal of records as well as case diary and injury reports go to show that Shankar Ram was assaulted by Upendra Ram, who is not petitioner here and so far as petitioners are concerned, there are general allegation of assault against them.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, these anticipatory bail petitions are allowed and it is ordered that petitioners, in the event of their arrest/ surrender within eight weeks from the date of receipt of this order to the Court concerned, shall be released



on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Araria in connection with Bhargama P. S. Case No.201 of 2019 as well as to the satisfaction of learned Sub-divisional Judicial Magistrate, Araria in connection with Mahila P. S. Case No.100 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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