

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30763 of 2020

Arising Out of PS. Case No.-73 Year-2020 Thana- GUTHANI District- Siwan

1. SANTOSH RAUT Son of Bikau Raut Resident of Village- Baluan, P.S.- Guthani, District- Siwan.
2. Bikau Raut @ Bikau Mestar Son of Late Bira Raut Resident of Village- Baluan, P.S.- Guthani, District- Siwan.
3. Aditya Raut Son of Bikau Raut Resident of Village- Baluan, P.S.- Guthani, District- Siwan.
4. Rakesh Raut Son of Bikau Raut Resident of Village- Baluan, P.S.- Guthani, District- Siwan.
5. Ramesh Raut Son of Bikau Raut Resident of Village- Baluan, P.S.- Guthani, District- Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 19-02-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 10.11.2020, within four weeks of starting of Court proceeding in physical mode.

Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application filed on behalf of the petitioner No.1, namely, Santosh Raut as he has already been apprehended by the Police.

In view of the above, the application filed on behalf of



the petitioner No. 1, namely, Santosh Raut is dismissed as withdrawn.

Heard learned counsel appearing on behalf of petitioner Nos. 2 to 5 and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Guthani P.S. Case no. 73 of 2020, registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354, 379, 504 and 506 of the Indian Penal Code.

The accusation is that in the evening of 29.03.2020, informant Afroz Ansari was serving fodder to the cattle at his Bathan, at that time, eight persons named in the F.I.R., including the petitioners No. 2 to 5, variously armed with weapons, came there and started to abuse. When informant Afroz Ansari made protest then Santosh Raut caused fracture injury through lathi in the hand of his brother Shamshad. At that time, Rajesh and Ramesh (petitioner No.5) caused injury through spade and sword to his brothers Hashmuddin and Nasuruddin and Rakesh (Petitioner No.4) also caused injury through Farsa to his brother Azad and Shubhawati Devi torn the clothes of mother of informant and snatched cold chain. The cause of occurrence is that the accused persons want to grab the land of informant.



Learned counsel for the petitioners No. 2 to 5 submits that occurrence of Marpit took place due to land dispute in which petitioners' side also sustained injury regarding which Guthani P.S. Case No. 72 of 2020 was instituted on the basis of fardbeyan of co-accused Santosh Raut against the informant of the present case and others. Further submission is that no specific overt act has been attributed against the petitioner Nos. 2 and 3, while it is alleged that Rajesh and Ramesh (petitioner No.5) caused injury through spade and sword to Hashmuddin and Nasuruddin, brothers of informant, but, the injury sustained by Nasuruddin is simple in nature, whereas, out of two injuries of Hashmuddin, one injury is simple in nature and regarding the other injury, opinion has been kept reserved by the Doctor, while it is alleged that Rakesh Raut (Petitioner No.4) caused injury to Azad, but there is no injury report. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner Nos. 2 to 5, namely, Bikau Raut @ Bikau Mestar, Aditya Raut, Rakesh Raut and Ramesh Raut, be released on bail, in the event of thier arrest or surrender before the learned Court below within a period of four weeks



from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Guthani P.S. Case No. 73 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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