

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36699 of 2020

Arising Out of PS. Case No.-677 Year-2018 Thana- KHAGARIA District- Khagaria

1. SHEKHA DEVI Wife of Mithu Kumar Resident of Village - Hajipur, Ward No. 17, P.S. and District - Khagaria.
2. GODAWARI DEVI Wife of Ramvilash Mahto Resident of Village - Hajipur, Ward No. 17, P.S. and District - Khagaria.
3. RAMVILASH MAHTO Son of Motilal Mahto Resident of Village - Hajipur, Ward No. 17, P.S. and District - Khagaria.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Sachit Kumar, Advocate.
For the State	:	Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 30-06-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 18.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State, through Video Conferencing.

The petitioners apprehend their arrest in connection with Khagaria P.S. Case No.677 of 2018/G.R. No.2734 of 2018 registered under Sections 147, 341, 323, 504, 506, 337, 338 and 308 of the Indian Penal Code.



The accusation is that due to land dispute, at about 03.30 P.M. on 01.10.2018, the uncle of the informant and his family members asked the informant Kanhaiya Kumar in abusive language to leave the house otherwise he would be exploded by bomb. When the informant made protest saying that the decision of the partition would be obeyed by him then 11 persons, named in the F.I.R., including the petitioners started pelting stones at the informant indiscriminately in which the informant sustained blood oozing injury at his head. Anyhow, the informant moved from there and saved his life.

Learned counsel for the petitioners submits that, in fact, due to land dispute, the occurrence of “Maar-Peet” took place between the parties in which the petitioners’ side also sustained injury regarding which on the basis of the fardbeyan of the petitioner no.1, Khagaria P.S. Case No.676 of 2018 for the offence under Sections 341, 323, 504, 506, 354(B), 379 and 448/34 of the Indian Penal Code was also instituted against the informant of the present case and others on 01.10.2018. Moreover, the injuries, as found on the person of the informant, are simple in nature. The petitioners have no criminal antecedents.

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 Smt. Ankita Jaiswal, Judicial Magistrate, First Class, Khagaria, in connection with Khagaria P.S. Case No.677 of 2018/G.R. No.2734 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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