

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34836 of 2020

Arising Out of PS. Case No.-309 Year-2019 Thana- MAHNAR District- Vaishali

1. GANESH SINGH Son of Jodhan Singh Resident of Village- Saraswati Mandir, Ward No.-11, P.S.- Mahnar, District- Vaishali.
2. Ram Nath Singh Son of Siyaram Singh Resident of Village- Saraswati Mandir, Ward No.-11, P.S.- Mahnar, District- Vaishali.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
		Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Mukeshwar Dayal, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 06-04-2021 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 14.12.2020, within four weeks of starting of 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 Mahnar P.S. Case no. 309 of 2019, registered under Sections 307, 354, 323, 324, 341, 342, 504 and 506/34 of the Indian Penal Code.

The accusation is that both the petitioners were fixing bamboo on the path then informant Sanjeev Kumar



made protest saying that why the path is being blocked on which Ganesh Singh and Ram Nath Singh (petitioners) went at their house and returned having armed with *Farsa*, *Katta* and *Khanti* in their hands. In the meantime, Garibnath Singh @ Raju, Ramswarth Singh, Ganesh Singh along with their wives and Raushan Kumar also came there having lathi, danda etc. in their hands. Thereafter, both petitioners caused blood oozing injury through Farsa and Khanti at his head. When his brother Rajeev Kumar rushed to save then he was also assaulted. At that time, wives of Garibnath, Ramswath Singh and Ganesh Singh also started pelting stones. When Fulkuwari Devi, mother of informant, rushed in rescue, then her clothes was torn and Ganesh Singh (Petitioner No.1), Garibnath Singh and wife of Ramshwarth Singh snatched gold chain from her neck.

Learned counsel for the petitioners submits that, in fact, occurrence of Marpit took place due to dispute of path in which petitioners' side also sustained injury regarding which Mahnar P.S. Case No. 279 of 2019 was instituted under Sections 371, 323, 324, 379, 504 and 506/34 on the basis of fardbeyan of Ganesh Kumar Singh (Petitioner No.1) against the informant of the present case and three others. The petitioners have no criminal antecedent.



Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, vaishali at Hajipur in connection with Mahnar P.S. Case No. 309 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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