

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35941 of 2020

Arising Out of PS. Case No.-76 Year-2020 Thana- MAHISHI District- Saharsa

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1. AMARJEET RAM @ AMARJEE RAM S/O LAXMI RAM, RESIDENT OF VILLAGE - LAHUAR, P.S. - MAHISHI, DISTRICT - SAHARSA
 2. LAXMI RAM S/O LATE DOMI RAM, RESIDENT OF VILLAGE - LAHUAR, P.S. - MAHISHI, DISTRICT - SAHARSA
 3. GANESH RAM S/O LATE NIRDHAN RAM, RESIDENT OF VILLAGE - LAHUAR, P.S. - MAHISHI, DISTRICT - SAHARSA
 4. RAMESH RAM S/O GANESH RAM, RESIDENT OF VILLAGE - LAHUAR, P.S. - MAHISHI, DISTRICT - SAHARSA
 5. SHYAM RAM S/O LATE BARSU RAM, RESIDENT OF VILLAGE - LAHUAR, P.S. - MAHISHI, DISTRICT - SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 23-06-2021 Heard both sides through Video Conferencing.

Petitioners apprehend their arrest in Mahishi P.S. Case No.76 of 2020 registered under Sections 147, 148, 149, 341, 342, 323, 324, 307, 354A, 379, 504 and 506 of the Indian Penal Code.

The informant alleged that in the evening of 10.05.2020 he had gone to watch his field. The informant saw that she-goat of Kumarjee Ram was grazing his field. The informant asked Kumarjee Ram to remove his she-goat but he

began to abuse the informant. It is further alleged that altogether 12 persons including the petitioners came there. Kumarjee Ram assaulted the informant with farsa on his head. When the family members of the informant came to save the informant, Suraj Ram and Durgesh Ram exhorted to kill them and thereafter Suraj Ram, Durgesh Ram and other accused persons assaulted the family members of the informant with khanti and other weapons.

Learned counsel for the petitioners submits that on account of grazing by she-goat some scuffle took place between the two sides. No offence under Section 307 of the I.P.C. is made out. No specific allegation of assault is made against the petitioners. The specific allegation of assault is made against Kumarjee Ram, Suraj Ram and Durgesh Ram. It is further submitted that from perusal of the injury report of the injured persons, it would appear that each and every got simple injury which is either abrasion or swelling. The doctor opined the injuries received by the injured persons are simple in nature. Hence, the petitioners deserve anticipatory bail.

Learned A.P.P., however, opposed the prayer for anticipatory bail.

Perused the record and the case-diary. Petitioners are

of course named in the F.I.R. but no specific allegation of assault is made against the petitioners. Altogether 12 persons including the petitioners are named in the F.I.R. but omnibus and general allegation of assault is made. They are alleged to have indiscriminately assaulted the injured persons but from perusal of the injury report, it would appear that all the injured persons got simple injuries like abrasion and swelling. The doctor also opined the injuries to be simple in nature.

Having considered the facts aforesaid, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 Additional Sessions Judge 1st-cum-Special Judge, Saharsa in connection with Mahishi P.S. Case No.76 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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