

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41016 of 2020

Arising Out of PS. Case No.-234 Year-2020 Thana- DUMRA District- Sitamarhi

1. Hira Lal Rai, Son of Managar Rai, Resident of Village - Rupauli, Tola - Dhanushi, P.S. - Dumra, District - Sitamarhi
2. Jawahar Lal Rai, Son of Managar Rai, Resident of Village - Rupauli, Tola - Dhanushi, P.S. - Dumra, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 30-07-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, 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 Dumra P.S. Case No. 234 of 2020, registered under Sections 341, 323, 324, 354(B) and 506/34 of the Indian Penal Code.

The accusation is that informant, Kailash Rai, constructed the house over the Plot No. 667 area 1.5 decimals,



which is the purchased land in the name of his mother and after construction of the house, informant started to live with his family members. Recently, in the north of his house, his villagers Manager Rai, Hira Lal Rai (petitioner no.1) and Jawahar Rai (petitioner no.2), who are muscleman, tried to capture the remaining land, on which, informant made protest. They started to construct the drainage for draining out the water in his land by cutting the wall of his house on 28.07.2020. When the informant made protest then all started to cause assault. At that time, Hira Lal Rai (petitioner no.1) gave Farsa blow at his right leg and Jawahar Rai (petitioner no.2) also caused injury through butt of Bhala. In the meantime, Manager Rai started to cause assault to him through lathi. On raising alarm, when his father, mother and sister-in-law rushed to save him then Hira Lal Rai (petitioner no.1) pulled the sari of his sister-in-law.

Learned counsel for the petitioners submits that due to land dispute, scuffle and hot talk took place, in which, informant sustained slight injury but with ulterior motive, the present case has been lodged with false allegation. Further submission is that 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 six 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 the learned Chief Judicial Magistrate, Sitamarhi, in connection with Dumra P.S. Case No. 234 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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