

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.110 of 2021

Arising Out of PS. Case No.-272 Year-2020 Thana- NAANPUR District- Sitamarhi

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1. MAHESH DAS SON OF RAMPREET DAS Resident of Village - Gaura, P.S.- Nanpur, Distt.- Sitamarhi.
 2. MUKESH DAS SON OF RAMPREET DAS Resident of Village - Gaura, P.S.- Nanpur, Distt.- Sitamarhi.
 3. AWADHESH DAS SON OF RAMPREET DAS Resident of Village - Gaura, P.S.- Nanpur, Distt.- Sitamarhi.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Virendra Kumar, Advocate.
For the State	:	Ms. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 06-08-2021 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 31.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.2, namely, Mukesh Das, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.2, namely, Mukesh Das, for granting him the privilege of pre-arrest bail has become infructuous and seeks



permission to withdraw this application in respect of the petitioner no.2, namely, Mukesh Das.

Permission is accorded.

This application in respect of the petitioner no.2, namely, Mukesh Das, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.1, namely, Mahesh Das, and the petitioner no.3, namely, Awadhesh Das, for granting them the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner nos.1 and 3, above named, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner nos.1 and 3, above named, apprehend their arrest in connection with Nanpur P.S. Case No.272 of 2020 registered under Sections 341, 323, 307, 379, 354(B) and 504/34 of the Indian Penal Code.

The accusation is that the informant Nirmala Devi, was engaged in construction of the house under Pradhan Mantri Awas Yojna on 16.07.2020 at about 02.00 P.M. At that time, five persons, named in the F.I.R., including the petitioner nos.1 and 3, above named, came there and started to abuse her. When the informant made protest, then Mahesh Das (petitioner no.1)



dashed her on the ground by catching her hair and started to cause assault her brutally. When Ram Chhabila Das, the husband of the informant, rushed to save the informant, then Mukesh Das caused blood oozing injury on his head through Charkati, due to which he fell down on the ground having become unconscious. When Bhagwan Das, the brother-in-law of the informant, rushed there, then he was also assaulted by Awadhesh Das (petitioner no.3).

Learned counsel for the petitioner nos.1 and 3, above named, submits that due to land dispute, hot exchange of words and occurrence of “Maar-Peet” took place between the parties in which the informant and her husband sustained slight injury but with an ulterior motive, the informant has lodged the present case. Further submission is that it would appear from Annexure-2 series to this application that the injuries, as found on the person of the informant and her husband, are simple in nature.

Having considered the facts and the circumstances of the case, let the petitioner nos.1 and 3, 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 the Sub Divisional



Judicial Magistrate, Pupari at Sitamarhi, in connection with
Nanpur P.S. Case No.272 of 2020, subject to the conditions laid
down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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