

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54591 of 2021

Arising Out of PS. Case No.-240 Year-2020 Thana- BIKRAM District- Patna

1. Ramautar Mistri S/O Late Ram Chandra Mistri R/O Village-Kharaitha, P.S. Bikram, District-Patna.
2. Bhim Kumar S/O Sri Ramautar Mistri R/O Village-Kharaitha, P.S. Bikram, District-Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Tiwary- Advocate
For the State	:	Mr. Raj Ballab Singh- A.P.P.
For the Informant	:	Mr. Saket Anand- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-03-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners seek bail in connection with Bikram P. S. Case No.240 of 2020, instituted for the offences under Sections 147, 149, 341, 323, 307, 302 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are in custody since 30.07.2021, they are persons with clean antecedent and charge-sheet has been submitted in the case.

The learned counsel for the petitioners submits that from bare reading of the F.I.R., it would appear that the parties are co-sharer and they fought for a land dispute in which it is



alleged that eight named accused persons including the petitioners assembled on the land of the informant and wanted to forcibly plough the land with tractor, which was objected by the husband of the informant whereupon all the accused persons, who were armed with lathi, danda assaulted the husband of the informant as a result whereof, the husband of the informant suffered fracture on head and several injuries on his body and ultimately died.

The learned counsel for the petitioners submits that in the F.I.R. itself, it is stated that eight named accused persons were involved in the alleged occurrence. According to the petitioners, it is a case of admitted land dispute where the parties have fought under 144 Cr.P.C. proceeding and there is also a counter-case of the alleged occurrence giving rise to Bikram P. S. Case No.217 of 2020 dated 10.07.2020. The learned counsel further submits that the subject land is a ancestral land and there has been a dispute between the two family members, who were claiming to common ancestors.

According to the learned counsel for the petitioners, the deceased and his father had resorted to unlawful means, they assaulted the petitioners' side and threatened saying that the land does not belong to them. The learned counsel further submits



that in the post mortem, only two injuries have been found on the head of the deceased and it shows that the present case is one of exaggerated allegation with a view to falsely implicate the accused persons with the aid of Section 149 of the I.P.C.

The learned counsel for the informant and learned A.P.P. for the State oppose the bail application and submit that all the accused persons having common intention were involved in the assault and the post mortem report records 4-5 injuries on the body of the deceased out of which, two injuries have been caused on the scalp.

The learned counsel for the petitioners, at this stage, submits that co-accused Uday Kumar has been granted bail by order dated 08.07.2021 in Cr. Misc. No.3448 of 2021.

Considering the fact that the petitioners are in custody, they are persons with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioners, the petitioners, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Danapur, Patna in connection with Bikram P. S. Case No.240 of 2020.



The application stands allowed.

(Satyavrat Verma, J)

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