

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47714 of 2014

Arising Out of PS.Case No. -47 Year- 2014 Thana -PHULWARIA District- GOPALGANJ

1. Jitendra Kunwar S/o Sri Janardan Kunwar
2. Dabloo Kunwar S/o Sri Paspati Kunwar Both resident of Village -
Kajitwa, Khurd, P.S. Fulwaria, Dist - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.7290 of 2015

Arising Out of PS.Case No. -47 Year- 2014 Thana -PHULWARIA District- GOPALGANJ

1. Indu Devi Wife of Jitendra Kunwar
2. Ladu Kunwar @ Hemant Kunwar S/o Jitendra Kunwar Both resident of
village - Majeerwa Khurd, P.S. - Phulwaria, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.47714 of 2014)

For the Petitioner/s : Mr. Shatrughan Pandey, Advocate

For the Opposite Party/s : Mr. Iftekhar Mahmood (APP)

(In Cr.Misc. No.7290 of 2015)

For the Petitioner/s : Mr. Sanjeet Kumar Tiwari

For the Opposite Party/s : Mr. H.A.Khan (APP)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 22-05-2015 Cr.Misc.No.47714/2014 where in Jitendra Kunwar and

Dabloo Kunwar happen to be the petitioners while in Cr.Misc.No.

7290/2015, Indu Devi and Laddu Kunwar @ Hemant Kunwar are

the petitioners commonly originate out of Fulwaria PS Case No.

47/2014, on account thereof, both have been heard together and

are being disposed of by a common order.

On a trivial issue, it has been alleged that all the



petitioners along with others armed variously came, abused and on protest, petitioner, Jitendra Kunwar inflicted Bhujali blow over the neck of informant Suresh Yadav. When his son, Guddu Yadav came in rescue, he was given similar treatment by the petitioner. His daughter, Munni Devi was assaulted by Pashupati Kunwar with Farsa on her back. There happens to be omnibus allegation with regard to Ladu, Dablu and Indu Devi that they had assaulted with lathi. From the order impugned it is evident that injury over the persons of Guddu has been found grievous in nature caused by sharp cutting weapon.

It has been submitted on behalf of the petitioner that in order to grab the land of petitioners, prosecution party became aggressor, misbehaved with female members and during course thereof, also assaulted the persons whereupon Arti had filed Complaint Case No. 1208/14 (Annexure-5). On account thereof, submitted that it is a fit case for anticipatory bail.

Learned APP opposed the prayer for bail.

Taking into account the nature of allegation inconsonance with the nature of injuries, prayer for anticipatory bail of petitioner no.1 of Cr.Misc.No. 47714/2014, Jitendra Kunwar is rejected.

So far remaining petitioners are concerned, namely,

Dabloo Kunwar, Indu Devi and Ladu Kunwar @ Hemant Kunwar, they, in the event of their arrest/surrender within four weeks, each are directed to be released on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gopalganj in Fulwaria PS Case no. 47/2014, subject to the condition as laid down under Section 438(2) Cr.P.C.

(Aditya Kumar Trivedi, J)

perwez

U		T	
---	--	---	--