

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40308 of 2014

Arising Out of PS.Case No. -85 Year- 2014 Thana -DHARHARA District- MUNGER



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1. Elachi Devi @ Elaychi Devi W/o - Dipu Bind Resident of Village - Marpa, Police Station - Darhara, Distt. - Munger.

2. Rupan Bind Son of Dipu Bind Resident of Village - Marpa, Police Station - Darhara, Distt. - Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 16-04-2015 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend arrest in Dharhara P.S. Case No. 85 of 2014 dated 10.06.2014 instituted under Sections 341/342/323/324/307/504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the parties are agnates and there is land dispute and further that even as per the F.I.R. the petitioner no. 1, being the mother of petitioner no. 2, is only alleged to have handed over '*tangi*' (axe) to the petitioner no. 2 who is said to have inflicted blow on the

informant. It is submitted that petitioner no. 2 has also filed Title Suit No. 25 of 2009 much prior to the lodging of the present case in which the informant is one of the defendants.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that six wounds have been found on the body of the informant and four have been caused by sharp edged weapon which matches the allegation in the F.I.R. where petitioner no. 2 is the named accused who is said to have inflicted such blows.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, petitioner no. 1 be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class, Munger in Dharhara P.S. Case No. 85 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

Prayer for anticipatory bail of petitioner no. 2 stands rejected.

(Ahsanuddin Amanullah, J)

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