

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43973 of 2014

Arising Out of PS.Case No. -124 Year- 2014 Thana -KHARAGPUR District- MUNGER

- =====
1. Devendra Pandit
 2. Bhola Pandit Both are sons of late Bindeshwari Pandit Resident of Village - Bhalua Koal, P.S. - Kharagpur, District - Munger.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Arun Kumar Arun

For the Opposite Party : Mr. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

6 30-07-2015 Heard learned counsel for the petitioners, State and the informant.

The two petitioners herein are full brothers and have filed the present application apprehending their arrest in connection with Kharagpur P.S. case no. 124 of 2014 which was initially registered under Section 307 of the IPC but later Section 302 of the IPC was added.

The deceased in the case is uncle of the two petitioners herein. The allegation is that when the Bhabhi of the informant was going to Bazaar she was abused by the four brothers including the petitioners herein which was protested by the informant. The four brothers including the petitioners fisted

and slapped the informant and her bhabhi. The father of the informant came to pacify when, it is alleged, co accused Mohan Pandit assaulted him with iron rod on the head whereafter he fell down. The other co-accuseds also assaulted him with lathi. In course of treatment, the father of the informant succumbed to the injury.

Learned counsel for the petitioners submits that admittedly there is land dispute between the parties. The allegation is that initially the informant was fisted and slapped. The father of the informant intervened whereafter accused Mohan Pandit assaulted him with iron rod on the head. The allegation against the petitioners of assaulting the informant, his Bhabhi and the deceased is not borne out from the investigation report. The post mortem report suggests solitary injury on the head which is attributed to accused Mohan Pandit. Petitioners have no murky past.

In the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioners. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the

like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sadar Munger in connection with Kharagpur P.S. case no. 124 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors in each case shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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