

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47865 of 2014

Arising Out of PS.Case No. -689 Year- 2014 Thana -ARARIA District- ARARIA

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1. Md. Ainul @ Ainul Son of Late Alimuddin
2. Md. Aslam @ Bholu Son of Zahrool Both resident of village- Diha
Kamaldaha, P.S.- Araria, District- Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh
For the Opposite Party/s : Mr. Anand Kishor Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 25-05-2015 Heard Mr. Singh for the petitioners and Mr. Anand
Kishore Choudhary, APP for the State.

The two petitioners herein seek anticipatory bail in Araria P.S. Case No. 689 of 2014 instituted under diverse provisions of Penal Code including Sections 307 and 379 IPC. The allegation is that owing to land dispute, the accuseds forming a group attacked the informant and his family members. It is alleged that petitioner no. 1 caught hold of the informant and petitioner no. 2 assaulted with *dabia* on the head.

Contention of the petitioners is that there is a counter version of the case lodged by the petitioner no. 1. Admittedly, there is land dispute between the parties. In the counter case lodged by petitioner no. 1, some persons including petitioner no. 2 also received injury.

Learned APP opposed the prayer for anticipatory

bail.

Considering the facts and circumstances of the case, I am not inclined to privilege petitioner no. 1 with the anticipatory bail. Prayer is rejected.

So far as petitioner no. 2 is concerned, in the event of arrest or surrender in the Court below within four weeks, the petitioner no. 2 abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in Araria P.S. Case No. 689 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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