

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 42219 of 2014

Arising Out of PS.Case No. -57 Year- 2014 Thana -KURSELA District- KATIHAR

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1. Manoj Mandal, Son of Jagdish Mandal.
2. Anoj Mandal Son of Jagdish Mandal
R/o - Village - Kheriya Mandal Tola, P.S.- Kursela, District- Katihar.
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

4 30-04-2015 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend arrest in Kursela
P.S. Case No. 57 of 2014 dated 02.05.2014 instituted under
Sections 448/341/323/307/504/34 of the Indian Penal Code.

As per the allegation the petitioners are said to
have given dagger blow and spear blow on two persons.

Learned counsel for the petitioners submits
that on the basis of record the land on which the occurrence
took place belongs to the petitioners and the informant and
others were trying to forcibly take possession of the same for
which prior to lodging of the F.I.R. a proceeding under Section
107 of The Code of Criminal Procedure, 1973 had been
initiated which clearly indicates that the other side was the
aggressor. It is further submitted that the injury suffered are

simple in nature and the petitioners have clean antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that there is allegation of assault of dagger and spear against the petitioners and two persons received injuries which are incised wound caused by sharp weapon.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioners surrender and pray for regular bail before the Court below, the same shall be considered on its own merits in accordance with law without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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