

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38587 of 2014

Arising Out of PS.Case No. -109 Year- 2014 Thana -SIWAN CITY District- SIWAN

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1. Achheylal Bhagat @ Achhey Kumar Bhagat
 2. Ram Kripal @ Ram Kripal Singh
 3. Lal Babu Prasad @ Lal Babu Singh Both sons of Achheylal Bhagat.
- All three resident of Mohalla Jai Prakash Nagar, Police Station Siwan town, Dist. Siwan.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Raghav Prasad

For the Opposite Party : Mr. Shahin Begum(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 22-05-2015 Heard the parties.

Four accused persons are named in the First Information Report out of whom co-accused, namely, Brajesh Kumar is said to have assaulted with sword on the head of the brother of the informant. Petitioners are facing prosecution under Section 307 of the IPC.

Both parties have steel business side by side. It is alleged that in a quarrel that ensued the brother of the informant was assaulted by sword by accused Brajesh Kumar. Petitioner no.3 assaulted him with iron rod. So far as the petitioner no.2 is concerned the allegation is that when the informant intervened he was assaulted with Bhujali.



Learned counsel for the petitioners submitted that there is a counter version also which was lodged on the same day alleging causing of injury at the hands of the prosecution party of the case on all three petitioners herein. Counsel for the petitioners draws attention of the Court to the injury report to indicate that most of the injuries are simple in nature. The incised injury received by the brother of the informant is not attributed to any of the petitioners. Parties have resolved the dispute and taking into account the aforesaid fact the accused of the counter case have been granted the privilege of anticipatory bail vide order dated 10.04.2015 passed in Cr. Misc. No. 43519 of 2014

In that view of the matter, this Court is inclined to privilege the petitioners with anticipatory bail. 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 anticipatory 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 Chief Judicial Magistrate, Siwan in connection with Siwan Town P.S. case no.109 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors in each case



(ii)

shall be the own/close family members of the petitioner.

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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