

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46397 of 2014

Arising Out of PS.Case No. -105 Year- 2014 Thana -VIJAYPUR District- GOPALGANJ

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1. Sabha Devi W/o harihar Bhagat
2. Savitri Devi W/o Dhanoj Kushwaha
3. Harihar Bhagat S/o Phulachand Bhagat All resident of village-
Maheshpur, P.s. Vijaipur, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Indu Kumari Srivastav(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 10-04-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in connection with Vijaipur P.S. Case No. 105 of 2014 registered for the offences punishable under sections 341, 323, 324, 307, 504 and 379 of the Indian Penal Code.

It has been contended that as a matter of fact a serious land dispute is continuing between the parties since much before and the present case is nothing but has been got instituted with completely false and frivolous allegations and on the same day and time of occurrence, i.e. on 19th June, 2014, petitioner no.3 got instituted an F.I.R. being Vijaipur P.S.Case No.104 of 2014 for the offences punishable under sections 147, 148, 323, 307, 379 and 504 of the Indian Penal Code in which the informant and his

family members have been made accused. The present case is nothing but counter blast to the F.I.R. in Vijaipur P.S.Case No.104 of 2014. It has further been contended that the injuries alleged to have been caused to the members of the prosecution party are all simple and superficial in nature and hence none of the ingredients of the offence punishable under section 307 of the Indian Penal Code would be attracted in the facts and circumstances of the case.

Learned counsel for the State has opposed the prayer for bail.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within four weeks from today, all the three petitioners, namely, 1. Sabha Devi 2. Savitri Devi and 3. Harihar Bhagat are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Vijaipur P.S. Case No. 105 of 2014, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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