

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47448 of 2014

Arising Out of PS.Case No. -196 Year- 2014 Thana -PIRPAINTI District- BHAGALPUR

1. Subash Rajak Son of Late Phulo Rajak
2. Suresh Rajak Son of Puran Rajak
3. Manoj Rajak
4. Sunil Rajak
5. Akhilesh Rajak

All 3-5 are Sons of Suresh Rajak

6. Kubair Rajak
7. Triloki Rajak

Both are sons of Subash Rajak

All are resident of village - Bakharpur, P.S.- Pirpainti, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :
For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 14-05-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend arrest in Pirpainti P.S.

Case No. 196 of 2014 dated 11.08.2014 instituted under Sections 341/323/379/307/504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the application, as far as petitioner no. 3 is concerned, has become infructuous as he has been arrested during the pendency of the case. Accordingly the application on behalf of petitioner no. 3 stands dismissed as infructuous.

The allegation against the petitioners is of assault by iron rod and bamboo stick.

Learned counsel for the petitioners submits that there is case and counter case and in fact the case filed by the accused against the informant and his side is prior in time. Learned counsel submits that admittedly there is history of land dispute between the parties and both sides have suffered injuries. It is submitted that injury on the side of the accused is graver as compared to the injury on the prosecution side in the present case. It is further submitted that the petitioners have no criminal antecedent. Learned counsel has produced web copy of order dated 09.04.2015 passed by a co-ordinate Bench in Cr. Misc. No. 49989 of 2014 by which all the eight accused persons of the counter case have been granted anticipatory bail.

Learned A.P.P. opposes the prayer for anticipatory

bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners no. 1, 2, 4, 5, 6 and 7 be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bhagalpur in Pirpainti P.S. Case No. 196 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

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