

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20239 of 2016

Arising Out of PS.Case No. -251 Year- 2015 Thana -KASBA District- PURNIA

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1. Baijnath Mahaldar Son of Late Thakur Mahaldar
2. Mahendra Mahaldar Son of Late Santu Mahaldar Both resident of
village - Chendani Chowk, P.S. Kasba, District - Purnea... Petitioner/s
Versus

1. The State of Bihar Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Uma Nath Mishra(App)
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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 09-05-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 447, 506/34 of the Indian Penal Code. Subsequently, Section 302 of the IPC was also added.

The prosecution case is that in the background of dispute with regard to use of a pathway on 22.11.2015 at 5.30 P.M. the petitioner No.2, Mahendra Mahaldar, assaulted with Lathi on the head of mother of informant and when mother of informant fell down, co-accused, Sima Devi also assaulted the mother of informant. Other accused persons assaulted the informant with fists and slaps.

It is submitted by the learned counsel for the petitioners that for the occurrence dated 22.11.2015 the FIR was registered on

29.11.2015. It is further submitted that accusation against petitioner No.1 is not specific and in the background of dispute for right to use a way, the occurrence took place.

Considering that there specific accusation of assault against petitioner No.2, Mahendra Mahaldar, this court is not inclined to enlarge the petitioner No.2 on anticipatory bail. Hence, the prayer for anticipatory bail is rejected.

So far as petitioner No.1, Baijnath Mahaldar, is concerned, the accusation is not specific against him and Statement has been in paragraph 3 of the petition that the petitioner has no criminal antecedent, let the above named petitioner No.1 be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Purnea in connection with Kasba P.S. Case No. 251 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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