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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 39168 of 2016

Arising Out of PS.Case No. -43 Year- 2016 Thana -BALTHAR District-WESTCHAMPARAN(BETTIAH)

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1. Fulbani Khatoon wife of Manir Gaddi Resident of Village-Bhawri, P.S.-Balthar, District-West Champaran
2. Hasmullah Gaddi son of Muslim Gaddi Resident of Village-Barwa Parsauni, P.S.-Inarwa, District-West Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Dinesh Singh (App)
Mr. Binay Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 22-09-2016 Heard Sri Umesh Chandra Verma, learned counsel for petitioners, learned Addl. Public Prosecutor as well as Sri Binay Kumar, learned counsel, who has voluntarily appeared on behalf of informant.

Two petitioners, apprehending their arrest in Balthar P.S. Case No. 43 of 2016 registered for offence under Sections 341, 323, 307, 379, 506/34 of the Indian Penal Code, have prayed for grant of anticipatory bail.

By way of referring to F.I.R., learned counsel for petitioners submits that land dispute is admitted and both sides are close relatives. He further submits that from petitioners' side also,

an F.I.R. was lodged on the same date, vide Balthar P.S. Case No. 44 of 2016. He further submits that ofcourse, in this case, Section 307 of the Indian Penal Code has been added, but there is no such injury, which suggests application of Section 307 of the Indian Penal Code. Regarding Section 379 of the Indian Penal Code, it was submitted by learned counsel for petitioners that the allegation is exaggerated and only with a view to make seriousness of the crime, this allegation has been made.

Keeping in view the fact that petitioner no. 1 (Fulbani Khatoon) is a lady, she can be extended the privilege of anticipatory bail. So far as petitioner no. 2 (Hasmullah Gaddi) is concerned, I do not find any ground to extend the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let petitioner no. 1 namely Fulbani Khatoon be enlarged on bail on furnishing bail bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of Sri N.P.Singh, learned Judicial Magistrate 1st Class, Bettiah, West Champaran in connection with Balthar P.S. Case No. 43 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner no. 2 (Hasmullah Gaddi) is

concerned, if within a period of six weeks from today, the petitioner no. 2 appears before the court below and makes a prayer for regular bail, the learned court below, without being prejudiced with this order, may examine the same and pass appropriate order in accordance with law, preferably on the same date.

(Rakesh Kumar, J.)

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