

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12812 of 2016**

Arising Out of PS.Case No. -305 Year- 2014 Thana -GHOSI District- JEHANABAD

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1. Ashok Mistry Son of Late Rama Mistry, Resident of Village- Chewti  
Pipar, P.S. Ghoshi, District- Jehanabad.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Raghwanand

For the Opposite Party/s : Mr. M. Dayal (App)

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR**  
**MANDAL**  
**ORAL ORDER**

3      22-04-2016      Heard the Counsel for the petitioner and Mr. M. Dayal, APP  
for the State.

Indisputably, the occurrence has taken place owing to land  
dispute.

Petitioner apprehends his arrest in connection with Ghoshi  
P.S. Case No. 305 of 2014 registered under sections 147, 148,  
149, 341, 323, 324, 326 and 307 of the Indian Penal Code.

As per the prosecution case, the accused persons were  
harvesting the field when the father of the informant came to  
protest. It is alleged that he was assaulted by means of *lathi*, *danda*  
and *farsa*. When the informant intervened, it is alleged that he was  
also assaulted.

Contention of the petitioner is that the allegation is general

and omnibus. The injuries received by three persons were found simple in nature. There is counter version also of the present case lodged by another co-accused. The petitioner has no criminal antecedent.

Considering the background in which the occurrence has taken place as also the simple injury sustained by the injured, I am persuaded to extend the privilege of anticipatory bail to the petitioner.

In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jehanabad in Ghoshi P.S. Case No. 305 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to

cancel the bail bond of the petitioner and secure his arrest in accordance with law.

Pankaj/-

**(Kishore Kumar Mandal, J)**

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