

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20676 of 2016

Arising Out of PS.Case No. -27 Year- 2016 Thana -JAGDISHPUR District- BHAGALPUR

- =====
1. Tuntun Tanti Son of Mulhai Tanti
 2. Nilesh Tanti @ Nilesh Kumar Tanti Son of Vijay Tanti
 3. Futtan Tanti Son of Chulhai Tanti
 4. Bishan Tanti
 5. Mulhai Tanti
 6. Chulhai Tanti Petitioner nos 4 to 6 sons of Basu Tanti All resident of Village- Fatehpur, Pokhar Tola, Police Station Jagdishpur, District Bhagalpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Md. Najmul Hodda, Advocate.
For the Opposite Party : Mr. Nand Kishore Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 21-10-2016 Heard both sides.

The petitioners apprehend their arrest in Jagdishpur P.S.
Case No. 27 of 2016 registered for the offences punishable under
Section 354 and other Sections of the Indian Penal Code.

The informant alleged that while his daughter Sita Devi
was watching her crop the petitioners assaulted her daughter who
became unconscious.

Learned counsel for the petitioners submits that no
offence under Section 354 of the Indian Penal Code is made out.
There is counter version. The police did not arrest the petitioners
and asked the petitioners to appear in court below under Section

41 of the Code of Criminal Procedure.

Considering the facts that the police did not arrest the petitioners and directed to appear in the court below, the petitioners got no apprehension of being arrested, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, their prayer shall be considered on its own merit without being prejudiced by this order and dispose of the bail petition preferably on the same day taking into consideration that there is case and counter case and the occurrence took place due to land dispute.

(Prabhat Kumar Jha, J.)

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