

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35555 of 2016

Arising Out of PS.Case No. -418 Year- 2016 Thana -SAHARSA District- SAHARSA

1. Manoj Singh son of Late Dav Narayan Singh
2. Nutan Devi wife of Manoj singh
3. Niraj Kumar son of Monoj Singh all are resident of village -
Nariar, Nariar Road, Uchitnagar, Ward no. 3, P.S. and District Saharsa
.... Petitioner/s

Versus

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

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 21-09-2016 Heard the Counsel for the petitioners and the APP for the
State.

The petitioners are facing prosecution punishable under
sections 341, 323, 384, 379 and 504/34 of the Indian Penal Code
vide Saharsa (Sadar) P.S. Case No 418 of 2016.

Both parties are closely related. The Bhabhi of petitioner no.
1 is the informant. The two other petitioners herein are wife and
son. It is alleged that they came to the house and made attempts to
drive her out claiming the title over the property. It is also alleged
that they committed theft of her belongings.

Contention of the petitioners is that a title suit has already
been filed by the petitioner no. 1 for partition of the ancestral
property. The F.I.R. has been lodged aggrieved thereby. If the

privilege of anticipatory bail is granted, the petitioners shall not commit any such offence against their own family members and will pursue the title suit.

Having considered the texture of the allegation and the stand of the petitioners before this Court, I am persuaded to extend them the privilege of anticipatory bail.

In the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in Saharsa (sadar) P.S. Case No. 418 of 2016 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 petitioners.

(ii) In case of framing of charge, the petitioners 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 petitioners and secure their arrest in accordance with law.

(iii) During the subsistency of the privilege of bail if the petitioners are made accused of such family violence of serious nature, the same shall be deemed as breach of the condition of the bail entailing its cancellation.

(Kishore Kumar Mandal, J)

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