

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48559 of 2016

Arising Out of PS.Case No. -358 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Mahadev Sah , son of Late Kari Sah
2. Dilip Sah,
3. Pradip Sah @ Pradip Kumar, both sons of Mahadev Sah
All residents of village- Kharagpur, Police Station-Sonvarsha
Katchhari & District- Saharsa

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 29-11-2016 Heard Sri Sanjeev Verma, learned counsel for the

petitioners and Sri Umesh Lal Verma, learned Addl. Public

Prosecutor.

Three petitioners, apprehending their arrest in
Saharsa Sadar P.S. Case No.358/16 registered for the offence
under Sections 147, 148, 149, 341, 323, 325,307, 379, 448, 504,
506 of the Indian Penal Code, have prayed for grant of
anticipatory bail.

By way of referring to the statement made in
paragraph-3 of the petition, it was submitted by learned counsel
for the petitioners that the petitioners are having clean antecedent.
It has further been argued that the informant side of the present
case were aggressor and, as such, from the petitioners side,



initially an F.I.R. was lodged vide Saharsa P.S. Case No.357/16 registered for the offence under Sections 147, 148, 149, 341, 325,307, 379, 448, 504, 506 of the Indian Penal Code. He submits that on perusal of the F.I.R., it is evident that there was land dispute in between the parties. Moreover, there is no specific accusation, save and except the petitioners were members of mob.

Keeping in view the fact that the petitioners are having clean antecedent as well as the fact that there was case and counter case relating to land dispute in between the parties, there is no reason to deny the prayer for grant of anticipatory bail. Accordingly, let the aforesaid three petitioners, namely, (i) Mahadev Sah (ii) Dilip Sah and (iii) Pradip Sah @ Pradip Kumar, in the event of their arrest or surrender within six weeks from today, be released on 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 connection with Saharsa Sadar P.S. Case No.358/16, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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