

This application, for grant of anticipatory bail, arises out of Singheshwar Police Station Case No. 53 of 2016, disclosing offences under Sections 147/148/149/341, 323/324/307/379/34 of the Indian Penal Code.

From the cause title of the application, it is evident that all the petitioners belong to the same family. It also appears from the tenor of the First Information Report that land dispute between the parties is the reason behind the occurrence, which is alleged to have been taken place.

There are 15 persons named in the First Information Report, including the female members of the same family. They all are said to have assaulted the informant and his family members with *dabia* (a sharp cutting weapon), iron rod, lathi, etc.

Learned Counsel appearing on behalf of the petitioners has submitted that considering the nature of allegation made in the First Information Report, no offence under Section 307 of the Indian Penal Code can be said to be made out. He has also submitted that the allegation of snatching of golden chain and ear-rings is ornamental in nature.

Considering the genesis of occurrence and nature of accusation against these petitioners, this application is allowed.

Let the petitioner nos. 1, 3, 4, and 5, namely, Mahendra Mukhiya, Sanoj Mukhiya, Pramod Mukhiya @ Pramod Kumar Mukhiya and Binod Mukhiya, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Singheshwar Police Station Case No. 53 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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