

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58528 of 2015

Arising Out of PS.Case No. -180 Year- 2015 Thana -BIHRA District- Saharsa

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1. Mukesh Paswan, Son of Ghutar Paswan,
 2. Rupesh Paswan son of Ghutar Paswan,
 3. Umesh Paswan Son of Ghutar Paswan,
 4. Ghutar Paswan Son of Late Ram Paswan, all residents of village Sihoal P.S. Bihra, District Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate
For the informant : Mr. Anil Kumar Mukund, Advocate
For the State : Mr. Kumar Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 21-01-2016 Heard learned counsel for the petitioner, learned Additional Public Prosecutor representing the State of Bihar and learned counsel appearing on behalf of the informant.

It has been informed that petitioner no. 4 has been arrested during the pendency of the present application and this application has, therefore, become infructuous, relating to petitioner no.4.

This application for grant of anticipatory bail arises out of Bihra P.S. Case No. 180 of 2015, disclosing offences under Sections 341, 323, 379, 448, 504, 506/34 of the Indian Penal Code as well as 27 of Arms Act.



Learned counsel appearing on behalf of the petitioners, referring to the First Information Report, submits that land dispute between the parties is an admitted fact and there is no allegation of any injury caused on the informant's side. He has also submitted that institution of the present Bihra P.S. Case No. 180 of 2015 is counter-blast of the case, instituted by the petitioner no. 3, Umesh Paswan on the same date i.e. 07.09.2015 registered as Bihra P.S. Case No. 179 of 2015.

Learned counsel appearing on behalf of the informant, on the other hand, has vehemently opposed the prayer of anticipatory bail and has submitted that the petitioners have committed the occurrence against undertaking earlier given by them before the Court.

Considering, however, the facts and circumstances, nature of accusation and the dispute between the parties, this application is allowed.

Let the petitioners, above-named, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bihra P.S. Case No. 180 of 2015, subject to the

conditions as 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)

Vats/-

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