

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42644 of 2016

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1. Anil Kumar Malakar Son of Hari Lal Malakar.
2. Yogesh Kumar @ Hira Lal Son of Anil Kumar Malakar. Both are
resident of Village- Basudeopur, P.S.- Kotwali, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal

For the Opposite Party/s : Mr. Sri Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 19-10-2016

Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out of Kotwali P. S. Case No. 212 of 2016, disclosing offences under Sections 341,323,504,307/34 of the Indian Penal Code.

The informant is daughter-in-law of petitioner No.1. Petitioner No.2 is the son of petitioner No.1. It is alleged that the petitioners wanted the husband of the informant Ramesh Kumar to vacate the house where they were living jointly, which was being opposed by the husband of the informant. Thereafter ensued some quarrel among them. It is alleged against the petitioners that they assaulted the informant and her husband.

Learned counsel appearing on behalf of the petitioners has submitted that by no stretch of imagination an offence under

Section 307 of the Indian Penal Code can be said to be made out on the basis of what has been alleged in the First Information Report. He has also submitted that it is purely a family dispute over property.

Considering the above submission, this application is allowed. Let the petitioners above named in the event of their arrest/surrender within four weeks from today in the court below 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 the learned Chief Judicial Magistrate, Munger in Kotwali P. S. Case No. 212 of 2016, 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)

ArunKumar/-c

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