

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11640 of 2016

Arising Out of PS.Case No. -301 Year- 2015 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Arjun Kumar S/O Shambhu Sah,
 2. Santosh Kumar S/o Lobhan Sah,
 3. Ajay Kumar S/o Late Bishwanath Sah,
 4. Roshan Kumar S/o Mohan sah, all residents of Vill.- Pakariya, P.S.-
Paharpur, Dist. East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar
For the informant Mr. Vijay Shankar
For the State Mr. Ashok Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 24-05-2016 Heard the counsel for the petitioners and the State.

The petitioners seek anticipatory bail in Paharpur P.S. Case No. 301 of 2015 registered under section 307 IPC. The accused(s) had filed a case against the present prosecution sides vide Annexure-2. On going through both the FIRs, it appears that on account of the land disputes, the occurrence has been committed. In the present case, the allegation against petitioner nos. 2, 3 & 4 are of causing injuries to Binod Kumar, Gajendra Sah and Pramod Sah. All the injured(s) at the hands of these petitioners received at least one grievous injury on their persons.



The contention of the petitioners is that the prosecution sides are aggressor even if the counter version (Annexure-2) is to be considered. It is stated that in the counter version the accused(s) have been granted anticipatory bail vide order dated 06.05.2016 passed in Cr. Misc. No. 16894 of 2016. The petitioners do not carry any criminal antecedents.

The counsel for the informant, on the other hand, points out that considering the fact that the injuries sustained were simple/superficial in nature, the accused(s) of the counter case were granted the privilege of anticipatory bail. In the case at hand three of the petitioners have caused grievous injuries.

Considering the facts and circumstances of the case, I am not persuaded to extend the privilege of anticipatory bail to petitioner nos. 2, 3 & 4 named above. The prayer on their behalf is rejected.

So far as petitioner no.1 Arjun Kumar is concerned, in the event of arrest/surrender within four weeks from today he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of CJM, Motihari, East

Champan in Paharpur P.S. Case No. 301 of 2015 on condition that one of the bailors of the petitioner shall be his own/close family member. He shall appear on each date fixed at the trial. Non-appearance on two dates consecutively shall entail cancellation of his bail bonds.

(Kishore Kumar Mandal, J)

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