

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58068 of 2015

Arising Out of PS.Case No. -144 Year- 2014 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Motilal Rai
 2. Dharmendra Rai son of Badri Rai
 3. Sunil Rai son of Late Shambhu Rai All residents of village- Bhaserwa,
P.S.- Ghorasahan, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Jagdhar Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 25-01-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out of
Ghora Sahan P.S. Case No. 144 of 2014, disclosing offences under
Sections 341,323,324,325,307 & 504/34 of the Indian Penal Code.

From the First Information Report it appears that there was
quarrel between the parties relating to land dispute. This led to
registration of Ghora Sahan P.S. Case No. 143 of 2014 at the
instance of petitioner No.2 therein, whereas Ghora Sahan P.S.
Case No. 144 of 2014 at the instance of the informant.

Learned counsel for the petitioners submits that petitioners

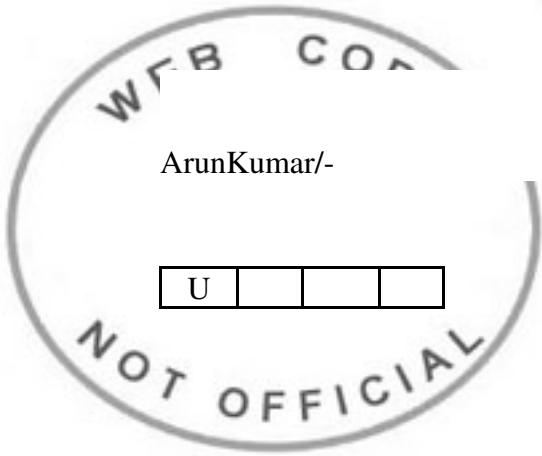
have been implicated maliciously because of the admitted land dispute between the petitioners and the informant's side. He further submits that institution of the present case is counter blast to the case registered prior to the institution of the present case at the instance of petitioner no.2. The petitioners' do not have any criminal history as stated in paragraph 3 of the application.

Learned counsel for the informant, on the other hand, has vehemently opposed the prayer for bail.

However, in the facts and circumstances of the case and the genesis of the occurrence, this application is allowed. Let the petitioners, above named, in the event of their arrest/surrender before the Court below within six weeks from today, 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 the learned Sub-Divisional Judicial Magistrate, Sikarhana at Dhaka, East Champaran at Motihari in Ghora Sahan P.S. Case No. 144 of 2014, 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)