

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35535 of 2016

Arising Out of PS.Case No. -28 Year- 2016 Thana -AMBA District- AURANGABAD

- =====
1. Uttam Kumar Son of Krishna Ballabh Mishra
 2. Ushmindan Mishra @ Ushmindra Mishra
 3. Sushil Mishra @ Shillu Pandit both S/o Late Ram Mishra, all Resident of village- Parta, P.S. Amba, District- Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satyendra Kumar Bhatnagar

For the Opposite Party/s : Mr. Sri Akshay Lal Pandit

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 22-09-2016

Heard.

The three petitioner(s) herein seek bail in Amba P.S. Case No. 28 of 2016 registered under Sections 307, 379 and other allied Sections of the Indian Penal Code.

In the morning, there was some quarrel/scuffle between the informant and the accuseds on a dispute relating to land. In the afternoon, the accuseds again arrived at the place of occurrence and one Chunmun Kumar assaulted the informant with *taangi* on his head. The petitioner no. 2 is said to have assaulted the informant with knife on his face. Some other co-accuseds persons are also said to have assaulted the informant and the other witnesses.

Contention of the petitioner is that there is no specific allegation against the petitioner nos. 1 (Uttam Kumar) and 3 (Sushil Mishra). The injury report(s) of the informant does not fully support the allegation attributed to petitioner no. 2. Parties are locked in land dispute.

Learned APP, on the other hand, submits that there is specific allegation of assaulting with knife attributed to petitioner no. 2. It is not a case that the informant did not receive any injury.

Considering the facts and circumstances of the case, I am not persuaded to extend the privilege of anticipatory bail to petitioner no. 2. His prayer is rejected.

Let the petitioner nos. 1 (Uttam Kumar) and 3 (Sushil Mishra), in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in Amba P.S. Case No. 28 of 2016 subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that one of the bailors shall be his/their own/close family member. The petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two

consecutive dates, the trial court shall have liberty to cancel their bail bonds.

rohit/-

U		T	
---	--	---	--

(Kishore Kumar Mandal, J)