

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45210 of 2016

Arising Out of PS.Case No. -67 Year- 2016 Thana -PHULWARIA District- GOPALGANJ

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1. Lal Bahadur Pandey, Son of Late Baban Pandey alias Babab Pandey
2. Prem Kumar Pandey, Son of Lal Babu Pandey @ Vichari Pandey, Both
are resident of village Girdhar Prasha Tiwari Tola, P.S. Fulwariya, District
Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jyotindra Pratap Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh -5, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2016 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered under Section 341, 323, 324, 307, 435 and 504/34 of the
Indian Penal Code.

Allegation is that the petitioner No.1 inflicted farsa blow
on the head of daughter-in-law of the informant and petitioner
No.2 assaulted samdhin of the informant by means of lathi, danda.

It has been submitted on behalf of the petitioners that the
petitioners have got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioners. It is a
case and counter case between the parties. Both the sides have



been injured in court of free fight. There is title suit also pending between the parties.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. As far as petitioner No.1 is concerned, specific allegation has been alleged against him. As far as petitioner No.2 is concerned, general and omnibus allegation has been made.

Considering the aforesaid facts and circumstances, Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner No.1. His prayer for anticipatory bail is rejected.

Anyhow if the petitioner No.1 surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order.

As far as the petitioner No.2 is concerned, let the petitioner No.2, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Fulwariya P.S. case No.67 of 2016,



subject to the conditions as laid down under Section 438(2) of the
Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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