

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41015 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -BHEJA District-
MADHUBANI

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1. Ganga Prasad Singh, Son of Late Sarv Narayan Singh.
2. Ashutosh Kumar Singh @ Banti Singh, Son of Ganga Prasad Singh.
3. Avakash Kumar Singh @ Ramanji, Son of Umesh Prasad Singh.

All Residents of Village- Rahua Sangram Tole Nandanpur,
Police Station- Bheja, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Poonam Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 26-09-2016 Heard the parties.

This application, for grant of anticipatory bail,
arises out of Bheja P.S. Case No. 41 of 2016, disclosing
offences under Sections 147, 148, 149, 341, 323, 324,
307, 448, 376, 504 and 302 of the Indian Penal Code.

Learned counsel for the petitioners has



submitted that land dispute between the parties is the reason behind lodging of the present First Information Report and so far these petitioners are concerned, there is no allegation against them that they caused any assault, leading to death of the deceased. It has been submitted that the deceased died more than 50 days after the date of occurrence and, therefore, according to her, no offence, under Section 302 of the Indian Penal Code, can be said to be made out. She has also submitted that the alleged fatal blow on the deceased was said to have been given by co-accused, namely, Umesh Prasad Singh, and the entire family has been falsely implicated in this case.

Petitioner No. 1 is the brother of co-accused, namely, Umesh Prasad Singh, and petitioner No. 2 is the son of petitioner No. 1, whereas petitioner No. 3 is the son of co-accused, namely, Umesh Prasad Singh.

Learned counsel for the petitioners has also submitted that in any event, since there is no specific allegation against these petitioners of causing assault, leading to death of anyone, no purpose would be served if they are taken into custody. She has further submitted that the petitioners shall make themselves available before the police or the Court, as and when required, if they have granted the privilege of anticipatory bail.

Considering the submission, as above, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Jhanjharpur, Madhubani**, in connection with **Bheja P.S. Case No. 41 of 2016**, subject to the condition 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.)

Praveen-II/-c

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