

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34448 of 2016

Arising Out of PS.Case No. -123 Year- 2016 Thana -KUDRA District- BHABHUA (KAIMUR)

1. Prabhat Kumar @ Sonu son of Ram Nath Lal
2. Ram Nath Lal son of Late Ram Bachan Lal
both above are residents of village- Nathopur, Police Station-
Kudra, District- Kaimur at Bhabua.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Girish Chandra Sharma

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 01-09-2016

Heard Sri Girish Chandra Sharma, learned counsel

for the petitioners, Sri Awadhesh Kumar Singh, learned Addl.
Public Prosecutor as well as Sri Rajesh Kumar, learned counsel,
who has voluntarily appeared on behalf of the informant.

Two petitioners, apprehending their arrest in Kudra
P.S. Case no. 123/2016 registered for the offence under Section
341, 323, 325, 307 read with Section 34 of the Indian Penal Code,
have prayed for grant of bail in the event of their arrest.

At the very outset, it was submitted by learned
counsel for the petitioners that petitioners and the informant
belong to one family and due to land dispute, the occurrence
alleged had taken place. He submits that the informant side are

aggressor and, as such, wife of the petitioner, namely, Mira Sinha has lodged an F.I.R. prior to lodging of the present F.I.R. vide Kudra P.S. Case No.122/2016 registered for the offence under Section 307 and other allied Sections of the Indian Penal Code and, thereafter, the present case was lodged.

Learned Addl. Public Prosecutor and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioners. It was submitted that grievous injuries were found on the person of the informant side and, as such, it is not a fit case for grant of anticipatory bail.

Keeping in view the nature of accusation as well as the fact that there was case and counter case in between the parties, let both the petitioners, namely, (i) Prabhat Kumar @ Sonu (ii) Ram Nath Lal, in the event of their arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Kudra P.S. Case No.123/2016, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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