

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54049 of 2015

Arising Out of PS.Case No. -63 Year- 2015 Thana -KADWA District- KATIHAR

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1. Kanhaiya Lal Mehta s/o Late Krishna Lal Mehta
2. Raj Kumar Mehta @Boka @Boka Mehta
3. Bhola Mehta both sons of Kanhaiya Lal Mehta
All resident of Vill-Mohammadupur, P.S. – Kadwa, Dist. Katihar
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Manish Kr. 2(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 22-01-2016 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Kadwa P.S. Case No. 63 of 2015, registered for offences punishable under Sections 147, 341, 323, 324, 325, 307 379, 504 and 506 of the Indian Penal Code.

Diary in the present case was called for which has since been received.

Learned counsel for the petitioners submits that there is a case and counter case between the parties, the cause of the occurrence being the cutting of soil from the land belonging to the informant. It is submitted that the nature of dispute was petty and occurrence if at all took place was on the spur of the moment and there was no intention to kill anyone. It is further submitted that there was no repetition of blows as alleged which can be seen from the F.I.R itself.

Learned counsel on behalf of the State after perusal of the case diary submits that though there is specific allegation against the petitioner, there is contradiction between the statements made by the mother of the victim who is said to have been attacked and the petitioner.

Considering the facts and circumstances and also the contradictions which have surfaced in the case diary and also the fact that two other persons who alleged to have been attacked the petitioner had been arrested and subsequently granted the regular bail by the Court of Session Judge, Katihar, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Kadwa P.S. Case No. 63 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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