

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17039 of 2016

Arising Out of PS.Case No. -259 Year- 2015 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

- =====
1. Mithun Kumar S/o Bhagwan Ravidas.
 2. Anar Devi W/o Bhagwan Ravidas.
- All resident of village-Gandhi Tola Rajgir P.S. Rajgir District-Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar

For the Opposite Party/s : Mr. M. Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 26-04-2016 Heard the counsel for the petitioners and Mr. M. Dayal,

APP for the State.

The petitioners herein seek anticipatory bail in Rajgir
P.S. No. 259 of 2015, registered under Sections 147, 148, 149,
323, 324, 307/504 of the Indian Penal Code.

It is alleged that the accused persons including
petitioner no. 1 arrived at the scene of occurrence and assaulted
the informant. Subsequently, the family members including
petitioner no. 2 also arrived and contributed.

Contention of the petitioner is that there is family
dispute between the parties. The injuries of the informant found
caused by hard blunt substance. There is counter version of this
case in the shape of Annexure-2. In so far as the petitioner no. 2
is concerned, there is no allegation of causing injury.

The APP on the other hand submits that the informant received grievous injury in the hand at the instance of the petitioner.

Considering the facts and circumstances of the case, I am not persuaded to extend the privilege of anticipatory bail to petitioner no. 1. The prayer is rejected.

The petitioner no. 1 may surrender and seek regular bail. If he does so, the court below shall consider and dispose of the same on its own merit unprejudiced by the present order.

In so far as the petitioner no 2 is concerned, in the event of arrest/surrender within four weeks from today, she be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of A.C.J.M. IV Sadar Court Rajgir in Rajgir P.S. Case No. 259/2015 on condition that one of the bailors shall be her own/close family member. The petitioner shall appear 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 her bail bonds.

(Kishore Kumar Mandal, J)

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