

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40765 of 2015

Arising Out of PS,Case No. -509 Year- 2014 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Krishna Mohan Kewat , son of Sh. Shambhu Kewat
 2. Uday Kewat, son of Late Ramnaraya Kewat
 3. Rakesh Kewat, son of Sh. Uday Kewat
 4. Jitendra Kewat, son of Sh. Uday Kewat

All residents of village Goiti Police Station Bagaha (Pathkhauli) District
West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Shahin Begum(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 28-01-2016 Heard Sri Manoj Kumar, learned counsel for the

petitioners , Smt. Shaheen Begum, learned A.P.P. as well as Sri

Prithvi Nath Mishra, learned counsel who has voluntarily

appeared on behalf of the informant.

Four petitioners apprehending their arrest in connection
with Bagaha (Pathakhauli) P.S. Case No. 509 of 2014 registered
for the offence under Section 341, 323, 324, 379, 504 read with
Section 34 of the Indian Penal Code and later on Section 307 of
the Indian Penal Code was added have prayed for grant of
anticipatory bail.

It was submitted by learned counsel for the petitioners
that the petitioners and informant side are *pattidars* and land

dispute in between the parties was going on since long and due to the said reason petitioners have been implicated. He has also referred to Annexure - '2' to the petition which is a copy of the plaint in Partition Suit No. 13 of 2015 to substantiate that dispute regarding partition is going on. He submits that falsely the petitioners were made accused.

Learned A.P.P. as well as learned counsel for the informant has vehemently opposed the prayer of bail.

Learned counsel for the informant submits that it is a case under Section 307 of the Indian Penal Code and as such petitioners may not be extended the privilege of anticipatory bail. However, he was not in a position to substantiate as to whether there is specific accusation against any of the petitioners or not. He accepts that there is general and omnibus allegation.

In view of the fact that dispute in between both the parties is going on and both are *pattidars* as well as keeping in view the accusation against the petitioners, in the event of arrest or surrender within a period of six weeks from today, let the aforesaid petitioners namely Krishna Mohan Kewat, Uday Kewat, Rakesh Kewat and Jitendra Kewat be enlarged on bail on furnishing bail bond of Rs. 10,000/-(rupees ten thousand) each with two sureties of the like amount each to the satisfaction of

learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Bagaha (Pathakhauli) P.S. Case No. 509 of 2014 under the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

Praful/-

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