

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14426 of 2016

Arising Out of PS.Case No. -386 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Gopal Sarkar Son of Shashi Mohan Sarkar
 2. Ranjeet Sarkar
 3. Manjeet Sarkar @ Manjeet Kumar, both are sons of Gopal Sarkar, all are resident of village- Sirsa Colony, P.S. Muffasil Motihari, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-04-2016 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with

Muffasil P.S. Case No. 386/15 for offences alleged under Sections

147, 148, 149, 323, 324, 307, 379, 427, 448, 504, 506 of the

Indian Penal Code.

The prosecution case, as lodged by the informant,

is that Petitioner no. 2 assaulted the informant and her husband

with Dab on their heads. Petitioner no. 3 assaulted the husband of

the informant with knife. Petitioner no. 1 assaulted him with

khanti and other accused persons with *lathi*, *danda* and *phatha*

causing injuries to the informant and her husband.

It has been submitted by the learned counsel for the petitioners that they are innocent having no criminal antecedent and the matter relates to land dispute for which a counter-case has been filed by the petitioners' side bearing Muffasil P.S. Case No. 394 of 2015 regarding the same civil dispute. It has further been submitted that the injury report states that it has been caused by hard and blunt substance and most of the injuries are simple in nature. Furthermore, learned counsel for the petitioners submitted that other similarly situated co-accused has been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 12578 of 2016 on 17.03.2016.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners are named in the First Information Report and some of the injuries have been caused by sharp cutting instrument.

Be that at it may, since the other similarly situated co-accused has since been granted the privilege of anticipatory bail, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs.

10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Muffasil P.S. Case No. 386/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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