

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29383 of 2016

Arising Out of PS.Case No. -49 Year- 2016 Thana -HULASGANJ District- JEHANABAD

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1. Akhilesh Prasad, Son of Late Bhagwat Prasad
 2. Ranjeet Kumar
 3. Vishwajeet Kumar Both son of Akhilesh Prasad All are resident of Village- Utimpur, P.S.- Hulasganj District- Jehanabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Sudhir Kumar, Advocate

For the Opposite Party : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 30-08-2016 Heard Mr. D.K.Sinha, learned counsel for the petitioner
and Mr. Mukeshwar Dayal, learned APP for the State.

The father and two sons are the petitioners. They along with others are named accused, of Hulasganj P.S.Case No.49 of 2016 registered under Section 307 and allied Sections of the IPC.

It is alleged that while the petitioners were constructing a wall, the same was protested by the informant whereafter petitioner nos.2 and 3 entered into the house and mercilessly assaulted the mother. The father, petitioner no.1 also later arrived and participated.

Contention of the petitioner is that both the parties are *Gotias*. In fact, the prosecution side were constructing the wall which was objected whereafter an occurrence was committed by

them for which another FIR was lodged by the present accused sides. Even looking to the First Information Report, it would appear that the father arrived after his sons (petitioner no.2 and 3) had entered into the house and assaulted the mother.

Mr. Dayal learned APP for the State submits that the mother of the informant has received grievous injury.

Looking to the allegation contained in the First Information Report, petitioner nos.2 and 3, namely, Ranjeet Kumar and Vishwajeet Kumar do not deserve anticipatory bail. Their prayer for anticipatory bail is rejected.

Petitioner no.1 being the father of petitioner nos.2 and 3 and having come to the place of occurrence after the other accused had entered into the house, I direct (petitioner no.1 Akhilesh Prasad) in the event of his arrest or surrender in the court below within a period of four weeks shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Jehanabad in connection with Hulasganj P.S.Case No.49 of 2016, subject to the conditions as laid down under Sections 438(2) Cr.P.C. One of the bailors shall be his son/close family member.

(Kishore Kumar Mandal, J)

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