

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.487 of 2016

Arising Out of PS.Case No. -206 Year- 2015 Thana -BIRaul District- DARBHANGA

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1. Kusheshwar Tanti Son of Prameshwar Tanti
 2. Parmeshwar Tanti son of Late Anand Tanti
 3. Rameshwar Tanti son of Late Anand Tanti
 4. Sanjay Tanti son of Kusheshwar Tanti
 5. Amarjeet Tanti son of Rameshwar Tanti All residents of Village-
Patania, Police Station- Biraul, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Subhas Singh

For the Opposite Party/s : Mr. Asha Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-01-2016

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 354, 504, 379 of the Indian Penal Code.

The prosecution case is that eight F.I.R named accused persons including the petitioners came variously armed, started abusing and entered into the house of the informant. It is alleged that petitioner No. 1 caught hold the hair of the informant and started dragging out from the house. On protest being made, all the accused persons abused and assaulted the informant, when brother-in-law of the informant came to rescue then petitioner No. 1 assaulted with

axe on his head who got unconscious. Thereafter, the accused persons took away a box containing cloths and documents of the land.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. There is counter version of the occurrence also.

Considering the fact that specific accusation of assault is against petitioner No. 1 Kusheshwar Tanti, let learned Court below consider the prayer for regular bail of petitioner No. 1, if he surrenders within a period of six weeks in connection with Biraul P.S. Case No. 206 of 2015, pending in the Court of learned Sub-Divisional Judicial Magistrate, Biraul at Beinpur, Darbhanga.

With the observations above, the application with regard to petitioner No. 1 stands disposed of.

So far as petitioner Nos. 2 to 5 are concerned, since there is no specific overt act alleged against them and they having no criminal antecedent, let the petitioner Nos. 2 to 5, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Biraul at Benipur,

Darbhanga in connection with Biraul P.S. Case No. 206 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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(Dinesh Kumar Singh, J)