

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26218 of 2016**

Arising Out of PS.Case No. -78 Year- 2016 Thana -JOKIHAT District- ARRARIA

=====

1. Ranjan Bhagat @ Ranjan Kumar Bhagat son of Late Hajarilal Bhagat,  
Resident of Village- Jokihat Bazar P.S.-Jokihat, Dist Araria.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Sri Mustaque Alam

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

3      16-08-2016      Heard learned counsel for the petitioner and learned Additional  
Public Prosecutor for the State as well as learned counsel for the  
informant.

The petitioner is apprehending his arrest in connection with a  
case registered for the offences punishable under Sections 341/  
323/324/307/379/354/(B)/504/506/34 of the Indian Penal Code.

Diary in this case was called for earlier which has since been  
received.

Learned counsel for the petitioner submits that there is case and  
counter case between the parties. The informant is the own brother of  
the petitioner. Just a month back, the wife of the present petitioner has  
filed a case against the informant who having ousted them from their  
joint house with an intention to grab the share of the petitioner in  
ancestral property. The reason behind the dispute, seems to be partition  
between the brothers of the family and refusing to do so, which has

generated the present occurrence. Learned counsel for the petitioner submits that whatever be the injuries, they have been found to be simple in nature and there was no intervening circumstances preventing them to complete the act, therefore, there was no clear intention to kill.

Learned counsel appearing for the informant however, resists the application seriously and submits that all through the occurrence the informant's side has raised a finger against the petitioner and their family and it was the petitioner and his another brother Pawan Bhagat who had come in a belligerent mood and had attacked the informant and his son leading to injuries. The diary also indicates that these petitioners were aggressors.

However, considering the proximity of relationship between the parties and the nature of dispute which can well be resolved by having their shares demarcated and also because this petitioner has no criminal antecedent, it would be in the interest of justice that the petitioner be extended the benefit of pre-arrest bail. As such, let the petitioner Ranjan Bhagat, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 78 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

It is made clear that if the petitioner indulges in any act which

may prejudice the informant and his family, it shall be open to them to  
take appropriate recourse to law.

**(Anjana Mishra, J)**

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