

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33584 of 2016

Arising Out of PS.Case No. -60 Year- 2016 Thana -BIRPUR District- SUPAUL

- =====
1. Asharfi Kherwar son of late Bihari Kherwar
 2. Mahendra Kherwar S/o Asharfi Kherwar
 3. Dharendra Kherwar S/o Asharfi Kherwar All are residents of Bhawanipur, P.S. Bihpur, District -Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioners as well as learned counsel for the State.

In this application for anticipatory bail the petitioners apprehend their arrest for the offences punishable under sections 147, 148, 149, 341, 323, 324, 307, 504 and 302 of the I.P.C.

On behalf of the petitioners it is submitted that against the petitioners there is no specific allegation, they have been made accused as member of the mob falsely, the petitioners have got no concern with the occurrence, the petitioners are neither assailant nor order giver and as such they deserve sympathetic consideration. The petitioner no.1 Asharfi Kherwar is an old man aged about 72 years.

The learned A.P.P. opposes prayer for bail by submitting that there is general allegation that the petitioners and others assaulted resulting one of the injured Ramrup Kherwar died during course of treatment.

In the facts and circumstances as stated above, considering that admittedly title suit is going on, due to the land dispute the occurrence has taken place, against the petitioners there is no specific allegation rather specific allegation is against other co-accused and as such the petitioners, in case of their arrest or surrender within one month from the date of receipt/production of a copy of this order shall 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. A.C.J.M. Birpur (Supaul) in Birpur P.S. Case No. 60 of 2016, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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