

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29859 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -NATHNAGAR District- BHAGALPUR

- =====
1. Sakaldeo Mandal
2. Jawahar Mandal Both are Sons of Late Asharfi Mandal Resident of Bihula Tola, Choti Sankarpur, P.S. - Parbatta, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Nath Jha

For the Opposite Party/s : Mr. Sri Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-07-2017 Heard learned counsel for the petitioners and learned Addl. Public Prosecutor for the State.

The petitioners apprehend their arrest in Nathnagar P.S. Case No. 01 of 2017 instituted for the offence under Sections-452, 341, 323, 386, 436/34 of the Indian Penal Code.

It has been submitted on behalf of petitioners that the case has been lodged on account of land dispute. Title Suit No. 284 of 2016 is pending between the parties for the aforesaid land.

As per written report, these petitioners along with 7-8 persons armed with weapon came to the Basa of the informant, assaulted him and also set the Basa on fire.

In this manner, there is general and omnibus allegation against these petitioners. Civil Suit is already pending between the parties. The petitioners have clean antecedent.



In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above in the event of their arrest/surrender in the court below within six weeks from today shall be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each in connection with Nathnagar P.S. Case No. 01 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Bhagalpur subject to conditions as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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