

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41312 of 2017

Arising Out of PS.Case No. -80 Year- 2014 Thana -GADHPURA District- BEGUSARAI

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1. Fuleshwar Pathak, Son of Late Debu Pathak
2. Rupesh Kumar Pathak, Son of Fuleshwar Pathak
3. Ritesh Kumar Pathak, Son of Fuleshwar Pathak

All are residents of Village - Malipur, P.S. - Garhpura, District - Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Naresh Singh, Advocate.

For the Opposite Party/s : Mr. Rajeev Nayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 08-09-2017 Counsel for the petitioner is permitted to make necessary correction in paragraph-7 of the bail petition during course of the day.

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Garhpura P.S. Case No. 80 of 2014 instituted for the offence under Sections 341, 323, 354, 379, 448, 504 and 34 of the Indian Penal Code.

It has been submitted that petitioner No. 1 and husband of the informant are full brothers. There is land dispute between the parties. The wife of the opposite party No. 2 namely, Bachchi Devi, has filed Title Suit before the court of Munsif,



Bakhri, vide Title Suit No. 3 of 2016 for partition between the parties.

In the instant case there is allegation that petitioner No. 1 assaulted the informant with brick on the head whereas petitioner Nos. 2 and 3 assaulted her with fists and slaps. During hearing of the bail petition, the petitioner has produced copy of injury report which shows that injuries found on the person of the injured were simple in nature.

The learned Sessions Judge has not mentioned about the nature of injury in the impugned order. He has mentioned that there is land dispute between the parties.

In such circumstances, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Garhpura P.S. Case No. 80 of 2014, they shall 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 Munsif cum Judicial Magistrate, 1st Class, Bakhri, Begusarai, subject to the conditions as laid down under Section 438 (2) 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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