

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46416 of 2017

Arising Out of PS. Case No.-28 Year-2017 Thana- GAURICHAK District- Patna

-
1. Surya Nath Singh, Son of Late Maksudan Singh,
 2. Narendra Kumar Son of Surya Nath Singh,
 3. Santosh Kumar Son of Bhirgu Nath Singh, All are R/o Village-Taranpur, P.O.- Lakhanpur, P.S.- Gaurichak, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. SRI RAM SEVAK CHOUDHARY

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-10-2017 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Gaurichak P.S. Case N0. 28 of 2017, disclosing offences under Sections 147,148,149,341,342,323,324,325,307,379,504,506 of the Indian Penal Code and Section 27 of the Arms Act.

From the First Information Report, it appears that there is petty dispute between the informant and the petitioners in relation to extraction of soil filling from the informant's land, the occurrence had taken place.

Learned counsel for the petitioners has submitted that no offence under Section 307 of the Indian Penal Code is made out since even if the allegations made in the First Information



Report are treated to be correct, there is no assault made by these petitioners on vitaln part of the informant or any other persons.

Learned counsel appearing on behalf of the informant has submitted that it is evident from the First Information Report that petitioner No.3 gave a blow with *lathi* in right leg of the informant causing fracture and similar assault was made by petitioner No.2 causing similar injury.

I find substance in the submission made on behalf of the petitioners, though *prima facie*, that no offence is strictly made out under Section 307 of the Indian Penal Code against these petitioners, there being allegation that two of them assaulted in the leg of the informant. I do not think that their application for anticipatory bail should be rejected on the ground of criminal antecedent as mentioned in paragraph 3 of the application, in view of the nature of dispute between the parties.

Considering the above, this application is allowed.

Let the petitioners above named in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand)each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate First Class, Patna



City in Gaurichak P.S. Case No. 28 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

