

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39088 of 2017

Arising Out of PS.Case No. -932 Year- 2016 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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1. Baleshwar Paswan, Son of Late Butan Paswan,
2. Birbal Paswan, Son of Maheshwar Paswan
Both are Resident of Village-Kharaita, P.S.-Chautham, Dist-Khagaria

.... Petitioner/s

Versus

1. The State of Bihar
2. Mahanthi Paswan, Son of late Raghunandan Paswan,
Both are Resident of Village-Kharaita, P.S.-Chauthom, Dist-Khagaria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Madhuranand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-08-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Complaint
Case No. 932C of 2016 instituted for the offence under Sections
323 and 307 of the Indian Penal Code.

It has been submitted that there is land dispute
between the parties. The petitioner No. 1 has lodged a case
bearing Chautham P.S. Case No. 142 of 2016 against the
complainant and his associates for the occurrence dated
28.10.2016. Thereafter, as a counter blast, the instant case has
been filed on 29.10.2016 by the complainant mentioning the date



of occurrence as 27.10.2016.

In the complaint petition it is alleged that petitioner No. 1 assaulted the complainant with *Garansa* causing injury on above his eye whereas petitioner No. 2 assaulted the informant on his head with *lathi*.

It is mentioned in the impugned order that the complainant was examined by a private doctor.

Considering the facts and circumstances of the case, 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 Complaint Case No. 932C of 2016, 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 Additional Chief Judicial Magistrate-III, Khagaria, 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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