

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41963 of 2017

Arising Out of PS.Case No. -167 Year- 2017 Thana -LAHERIASARAI District- DARBHANGA
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1. Nilam Devi wife of Baidyanath Mahto
2. Kumar Khushanand son of Baidyanath Mahto
3. Baidyanath Mahto son of Jagidsh Mahto
4. Love Kumar @ Lav Kumar son of Baidyanath Mahto All are residents of mohalla - Bakarganj Abhanda, P.S. - Bakarganj, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s
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Appearance :

For the Petitioners : Mr. Yugal Kishore
For the informant :
For the Opposite Party/s : Mr. Sri Chaubey Jawahar
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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 10-10-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Laheriasarai P.S. Case No. 167 of 2017 instituted for the offence under Sections-307, 427 & other minor Sections of the Indian Penal Code.

It has been submitted that there has been free fight between the parties. Petitioner Nos. 2 & 3 also sustained injury and they have been admitted to DMCH. Thereafter, petitioner No. 3 sent information through registered post with a prayer to direct the officer-in-charge, Laheriasarai Police Station to register the case and the aforesaid letter was received in the office of SSP, Darbhanga on 14-05-2017. Counsel for petitioners has submitted that there is allegation against five persons named in the written report of assaulting the informant.

The case diary has been received.



The doctor has found one injury in parietal region of scalp which was opined to be grievous in nature. The doctor has not described the weapon by which, the aforesaid injury has been caused. Counsel for petitioners has further submitted that the occurrence took place on 26-04-2017 but the FIR has been lodged on 02-05-2017.

From the written report, it appears that an altercation took place on account of construction of railing.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Laheriasarai P.S. Case No. 167 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Darbhanga subject to condition 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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