

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19820 of 2017

Arising Out of PS.Case No. -8 Year- 2017 Thana -SHAKURABAD District- JEHANABAD

- =====
1. Kavindra Pathak, Son of Late Nand Kumar Pathak,
 2. Shailendra Kumar Pathak @ Shailendra Pathak @ Nunu, Son of Late Nand Kumar Pathak,
 3. Omkar Pathar @ Omkar Kumar Pathak @ Nepali, Son of Shailendra Pathak @ Shailendra Kumar Pathak @ Nunu, All are the resident of Village- Panditpur, P.S.- Shakurabad, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh, Advocate

For the Opposite Party/s : Mr. Sri Nand Kishore Pd, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 08-06-2017 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in connection with Shakurabad P.S. Case No. 8 of 2017 for offences under Sections 147, 148, 149, 323, 325, 307, 379 and 504 of the Indian Penal Code.

From perusal of the FIR, it appears that the informant on the basis of information gathered, named these petitioners and others as assailants. The informant has not disclosed as to how he came to the specific opinion about the involvement of these petitioners that they are the assailants and



they have taken away Rs. 1000/- from the pocket of his unconscious brother, who was assaulted in the alleged incident dated 23rd of January, 2017.

In the application the petitioners have stated that there is case and counter case with regard to the same incident dated 23rd of January, 2017. The counter case is Annexure-2 to the application lodged at the instance of petitioner No. 1 against the informant side.

In view of the fact that there is case and counter case and the petitioner Nos. 1 and 2 have also sustained injuries, the submission of learned counsel for the petitioners is that even assuming that there was altercation between the parties, the petitioners have right of private defence and on that ground alone they deserve anticipatory bail for the reason that they have clean antecedent as per their statement on affidavit in para-3 of the bail petition.

Having regard to the facts and circumstances mentioned above particularly, the fact that the petitioner Nos. 1 and 2 have also sustained injuries in the incident dated 23rd of January, 2017 and the fact that they have no criminal antecedent, I am inclined to enlarge the petitioners, above named, in the event of arrest or surrender before the court



below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Sub-Judge-I-cum-Additional Chief Judicial Magistrate, Jehanabad or the successor Court in connection with Shakurabad P.S. Case No. 8 of 2017, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

S.Pandey/-

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