

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13988 of 2017

Arising Out of PS.Case No. -349 Year- 2016 Thana -MAHUA District- VAISHALI(HAJIPUR)

- =====
1. Manju Devi, Wife of Late Gonaur Sharma, Resident of Village- Sherpur Bahori, Police Station Mahua, District Vaishali.
 2. Kiran Devi, Wife of Subodh Sharma @ Shiv Kant Sharma, Resident of Village- Sherpur Bahori, Police Station Mahua, District Vaishali.
 3. Pawan Sharma, Son of Late Gonaur Sharma, Resident of Village- Sherpura Bahori, Police Station Mahua, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 27-03-2017

Heard learned counsel for the petitioners and

the State.

The petitioners apprehend their arrest in Mahua P.S. Case No. 349 of 2016 instituted for the offence under Section (s) 341, 323, 324, 325, 307, 379, 504, 34 of the Indian Penal Code.

It has been submitted that the instant case has been filed in the background of land dispute. The informant and accused are own Patidar and there is dispute with regard to the ancestral property. The accused persons are poor persons and informant wants to disposses them from the ancestral property.

From the written report, it appears that general and omnibus allegation has been levelled against the petitioners of assaulting the informant and his other family members.



The Sessions Judge has also recorded in the impugned order that no any serious injury has been received by any of the injured, although Sessions Judge has mentioned in the order that medical report corroborates the prosecution story.

From the written report itself, it appears that there is no any allegation of specific overt act against the petitioners of causing serious or grievous injury to any of the injured.

It has been mentioned in para 3 of the petition that petitioners have no criminal antecedent.

In the facts and circumstances of the case, the prayer of the petitioners for anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, above named, within six weeks from today in connection with Mahua P.S. Case No. 349 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 Chief Judicial Magistrate, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Sanjay Priya, J)

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