

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23392 of 2017

Arising Out of PS.Case No. -265 Year- 2016 Thana -WARISNAGAR District- SAMASTIPUR

=====

1. Brij Kishore Singh S/o Late Hardeo Singh
2. Chunnu Singh S/o Brij Kishore Singh
Both of them Residence of Village- Sajampur, P.S. Waris Nagar, District-
Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Piyush Anand, Advocate

For the State : Mr. Nityanand Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 10-07-2017

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Waris Nagar P.S. Case No. 265 of 2016 dated 23.11.2016 instituted
under Sections 447/341/323/354/379/506/504/34 of the Indian Penal
Code.

3. The allegation against the petitioners and four others is
of assault on the informant by *lathi* and sticks and against the
petitioner no. 1 further of snatching gold chain from the neck of the
informant and against the petitioner no. 2 of trying to outrage the



modesty of the informant.

4. Learned counsel for the petitioners submitted that there is land dispute between the parties which is clear from the *fardbeyan* itself and further that for the said land, Suit No. 64 of 2014 is pending between the parties. Learned counsel submitted that for the same occurrence there is also counter case prior in time to the present case being Waris Nagar P.S. Case No. 264 of 2016 dated 23.11.2016. It was further submitted that the petitioners have clean antecedent.

5. Learned A.P.P. submitted that the petitioners are alleged to have committed assault, theft and have also attempted to outrage the modesty of the informant. However, he is not in a position to dispute the fact that for the same occurrence from the side of the petitioners also there is counter case, which is earlier in time and a suit is pending.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in Waris Nagar P.S. Case No. 265 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal



Procedure, 1973.

7. The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to do so on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

