

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16441 of 2017

Arising Out of PS.Case No. -130 Year- 2016 Thana -BHORE District- GOPALGANJ

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1. Ram Sagar Baitha, Son of Late Dwarika Baitha,
2. Dilip Baitha, Son of Dhrupdeo Baitha,
3. Ashok Baitha, Son of Dhrupdeo Baitha.
4. Shiv Kumari Devi, Wife of Parsan Baitha.
5. Rinku Devi, Daughter of Parsan Baitha, All resident of Village-
Kalyanpur, Paratia Tola, P.S.- Bhorey District- Gopalganj.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5, Advocate

For the Opposite Party/s : Mr. Sri Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 15-06-2017

Heard learned counsel for the petitioners and

the learned A.P.P. for the State.

Petitioner is seeking Anticipatory Bail in connection with Bhorey P.S. Case No. 130/2016 (G.R. No. 2744/2016) registered for the offence punishable under Sections 341, 342, 323, 324, 307, 436, 427, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that it is a case which arose out of a land dispute which is presently pending in the Civil Court. Learned counsel refers Annexure-2, which is an order dated 28.09.2013 passed in Land Dispute Case No. 13/2013-14, which has



gone in his favour.

Learned counsel for the petitioners further submits that in fact a counter case being Bhorey P.S. Case No. 129/2016 under Section 341, 342, 504, 323, 324, 307 and 34 of the Indian Penal Code has been lodged by the brother of petitioner no. 1. Learned counsel has specifically drawn my attention towards the fact that in the First Information Report there is no specific allegation against these petitioners and the injury report of the informant does not suggest any Lathi blow. Petitioner no. 4 & 5 are ladies members of the family. The specific allegation of assault is only against Parsan Baitha. The petitioners have no criminal antecedent.

However, learned A.P.P. opposes the prayer for bail of the petitioners.

Considering the fact and circumstances of the case and materials available on record, this Court is inclined to grant Anticipatory Bail to the petitioners in case of their arrest/surrender before the court below within a period of four weeks, let the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like



amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XII, Gopalganj, in connection with Bhorey P.S. Case No. 130/2016 (G.R. No. 2744/2016), subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioners shall immediately join the investigation and cooperate with the Investigating Agency.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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