

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7680 of 2017

Arising Out of PS.Case No. -72 Year- 2016 Thana -BARGANIA District- SITAMARHI

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1. Sanjay Kumar Gupta , son of Sri Nathuni Prasad Gupta
 2. Amit Kumar Gupta, son of Sri Vishwanath Prasad Gupta, Both
Rersident of village- Bhakurahar, P.S. Baiganiya, District- Sitamarhi
(Bihar) Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Anuj Kumar, Advocate

For the Opposite Party : Mr. Sri Kalyan Shankar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 28-02-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection with Barigania P.S. Case No. 72 of 2016, registered for the offences punishable under Sections 147, 148, 149, 447, 448, 323, 324, 307, 380, 427, 504 and 506 of the Indian Penal Code and Section 27 of Arms Act.

It has been submitted on behalf of the petitioners that against the petitioners there is allegation that they assaulted by sword to Nathuni Mansuri on his head but from perusal of injury report, Annexure-4, it reveals that the injury was caused by hard and blunt substance and only one injury has been found which is skin deep. It is further submitted that the disputed land is ancestral land of the petitioners whereas the informant has purchased the land illegally through power of Attorney holder and filed application for mutation which was rejected by the Circle



Officer, Bairganiya. It is also submitted that in this case other co-accused Vishwanath Prasad Gupta and Mintu Kumar have been allowed pre-arrest bail vide Cr. Misc. No. 40034 of 2016 and further Manoj Kumar Gupta has been allowed pre-arrest bail vide Cr. Misc. No. 3565 of 2017 and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that there is land dispute between the parties and injury caused to Nathuni Mansuri is by hard and blunt substance which is only skin deep and, as such, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Bairganiya P.S. Case No. 72 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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