

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40435 of 2017

Arising Out of PS.Case No. -25 Year- 2017 Thana -ANTICHAK District- BHAGALPUR

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1. Gopal Pandit,
2. Ram Pandit, Both sons of Late Fakshy Pandit,
3. Pairiya Devi @ Pariya Devi, wife of Gopal Pandit,
4. Yashoda Devi, wife of Ram Pandit, All resident of Village- Sangit Baita, Police Antichak, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 04-10-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Antichak P.S. Case No. 25 of 2017 instituted for the offence under Sections-325, 307, 354(B) & other minor Sections of the Indian Penal Code.

As per written report, there is specific allegation against petitioner Nos. 1 & 2 that they assaulted the nephew and Bhainsur of the informant namely, Arvind Pandit and Ganga Ram Pandit on their head.

Learned Sessions Judge has mentioned in the impugned order that the injuries sustained by the injured persons are grievous in nature. Supplementary affidavit has been filed annexing supplementary injury reports of Arvind Pandit and Ganga Ram Pandit in which, the doctor has found one of the injury to be grievous in nature on their



persons. The Doctor has also found injury on head of both the injured persons.

Therefore, this court is not inclined to grant anticipatory bail to petitioner Nos. 1 & 2. Accordingly, their prayer for anticipatory bail is rejected.

The petitioner Nos. 1 & 2 are directed to surrender in the court below and seek regular bail, which will be considered on its own merit without being prejudiced by this order.

So far as petitioner Nos. 3 & 4 are concerned; they are ladies and there is general and omnibus allegation against them.

In such circumstances, prayer for anticipatory bail of petitioner Nos. 3 & 4 is allowed and it is ordered that the petitioner Nos. 3 & 4 named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Antichak P.S. Case No. 25 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner Nos. 3 & 4 shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail



bond of the petitioner Nos. 3 & 4 and (3) if petitioner Nos. 3 & 4 tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner Nos. 3 & 4.

(Sanjay Priya, J)

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