

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54812 of 2017

Arising Out of PS. Case No.-40 Year-2017 Thana- RISHIUP District- Aurangabad

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1. Shiv Shankar Bari,
 2. Ram Basant Bari, Both sons of Late Harihar Bari,
 3. Jitendra Bari @ Jitendra Kumar, Son of Ram Basant Bari,
 4. Minta Devi, Wife of ShivShankar Bari, All resident of Village- Babhandih, P.S.- Rishiyap, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dronacharya

For the Opposite Party/s : Mr. Rajendra Singh Shastriji

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 20-12-2017 Heard learned counsels for the petitioners, the State and the informant.

Petitioners apprehend arrest in connection with Rishiyap P.S. Case No. 40 of 2017 registered for the offence punishable under sections 341, 342, 323, 325, 307/34 of the Indian Penal Code.

Learned counsel appearing for the petitioners submits that petitioners have been falsely implicated in this case due to admitted land dispute between the parties. Petitioners are in possession of the land in question. The dispute involved is purely civil in nature. Moreover, the injuries sustained by the informant have been found to be simple in nature. Petitioners have no criminal antecedent except petitioner nos. 1 & 2 who have only one criminal case pending against them.

Learned Addl. P.P. appearing for the State and the counsel



appearing for the informant opposes the prayer for bail and submits that there is specific allegation of assault against petitioner nos. 1 & 2 which is supported by the injuries sustained. Petitioner nos. 1 & 2 have criminal antecedent.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner nos. 3 & 4, above named, in the event of arrest or surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, VIII, Aurangabad in connection with Rishiyap P.S. Case No. 40 of 2017 subject to the conditions laid down under section 438(2) Cr.P.C.

However, considering the nature of allegations levelled against petitioner nos. 1 & 2 which is supported by the injuries sustained, the materials available on record and the submissions advanced on behalf of the parties, this Court does not find it to be a fit case for grant of anticipatory bail to them. Their prayer for anticipatory bail is, therefore, rejected.

(Arvind Srivastava, J)

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