

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12786 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

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1. Prabhu Dubey, Son of Baleshwar Dubey,
2. Nath Dubey, Son of Baleshwar Dubey,
3. Baleshwar Dubey, Son of Late Chhedo Dubey,
All resident of Village- Singhi, P.S.- Belaon, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate.

For the Opposite Party/s : Md. Anzarul Haque Sahara, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-03-2018 Supplementary affidavit filed on behalf of the petitioners
today in Court, be kept on record.

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Bhagwanpur**
P.S. Case No. 5 of 2018 instituted for the offence under Sections 341,
323, 504, 109/34 of the Indian Penal Code and Section 27 of the Arms
Act.

It has been submitted that there is case and counter case
between the parties. It has further been submitted that for the land
dispute, a Title Suit No. 46 of 1991 is also pending between the parties
in the court of Sub Judge, VIth, Bhabua. There is allegation that the
petitioner forcibly ploughed the land of the informant and on protest
they assaulted the informant, his daughter and brother and also opened



fire.

In the supplementary affidavit the petitioners has stated that all the injuries found on the person of the injured are simple in nature.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Bhagwanpur P.S. Case No. 5 of 2018**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Kaimur at Bhabua**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners 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 petitioners.

(Sanjay Priya, J)

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