

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8483 of 2018

Arising Out of PS. Case No.-318 Year-2017 Thana- PALIGANJ District- Patna

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1. Jagadish Prasad Kesri, S/o Late Lala Prasad Kesri,
 2. Jai Prakash Kesri @ Badka S/o Binod Prasad Kesri,
 3. Om Prakash Kesri @ Bagha @ Baghwa S/o Binod Prasad Kesri,
 4. Anil Kumar Kesri S/o Late Krishna Prasad Kesri,
 5. Rabindra Kumar Kesri @ Rinku S/o Jagdish Prasad Kesri, All
R/o Vill.- Dihpali, P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Smt. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-03-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and the State.

The petitioners apprehend arrest in Paliganj P.S. Case
No. 318 of 2017 instituted for the offence under Sections 149,
323, 302,120(B) of the IPC.

It is alleged in the written report that on the date of
occurrence all these petitioners assaulted the informant with
fists and slaps. In the meantime, the father of informant came to
save the informant and he was also assaulted on account of
which he became injured and unconscious. Thereafter, he was
brought to hospital for treatment but, subsequently, he died. In
the written report, it is mentioned that occurrence has taken



place on account of land dispute.

Counsel for the petitioners has submitted that there was no any external or internal injury found on the person of injured. Case diary was called for verification of the aforesaid facts. There is no inquest report or injury report available in the case diary. It has been submitted that the deceased was an old patient of heart disease and died due to his heart ailment.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, 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 bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Paliganj P.S. Case No. 318 of 2017 to the satisfaction of the learned Sub Divisional Judicial Magistrate, Danapur at Patna, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel



bail bonds of the petitioners and (3) if the petitioners tampers 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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