

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60943 of 2017

Arising Out of PS.Case No. -185 Year- 2017 Thana -KAKO District- JEHANABAD

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1. SARJU PRASAD @ SARYU PRASAD Son of Late Sambrat Sao
 2. Randhir Sao Son of Sarju Prasad @ Sarju Prasad All are residents of Village - Mai, Police Station - Kako (Bhelawar) in the district of Jehanabad.
 3. Arvind Sao Son of Arjun Sao resident of Village - Bhadaul, Police Station - Hilsa in the district of Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navin Sharma

For the Opposite Party/s : Mr. Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-01-2018 Heard the learned counsel for the petitioners and learned counsel for the State.

The petitioners seek anticipatory bail in connection with Kako (Bhelawar) PS case no. 185 of 2017 registered for the offences punishable under Sections 341, 323, 325, 307, 307,504/34 of the Indian Penal Code.

The allegation, according to the informant, is that in view of acquisition of the land, huge amount of compensation was received and the same was deposited in account of the mother of the informant, who also happens to be the mother of the accused persons. It has been further alleged that when the informant



demanded his share of money, he was denied the same and on account of such demand on the part of the informant for a share in the compensation money, all the accused persons had connived together and beaten the informant side, resulting in grievous injury to the informant.

The learned counsel for the petitioners submits that most of the accused persons are full brother of the informant and on account of demand of compensation money, quarrel had taken place between the informant's side and the accused side. It is further submitted that there is general and omnibus allegation against all the accused persons and no specific overt act has been attributed to the petitioners herein. It is also submitted that the petitioners have a clean antecedent. It is also submitted by the learned counsel for the petitioners that the present case is an outcome of the case filed by the accused side few days back to his lodging of the F.I.R.

The learned counsel for the informant has vehemently opposes the prayer for grant of anticipatory bail to the petitioners and has submitted that the informant has received lathi blow on the head, which has resulted in serious injury and moreover, the accused persons are trying to grab the compensation money which belongs to all the brothers.



Considering the facts and circumstances of the case as also the fact that the informant and most of the accused persons are full brothers and dispute is purely a family dispute, it would be in the interest of justice to admit the petitioners to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within six weeks, the petitioners above named are directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Jehanabad in connection with Kako (Bhelawar) PS case no. 185 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

However, it is made clear that in case any such incident, as alleged in the FIR, comes to light in future, the informant would be free to move for cancellation of bail.

(Mohit Kumar Shah, J)

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