

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51926 of 2018

Arising Out of PS. Case No.-113 Year-2018 Thana- BHANGWANPUR HAT District- Siwan

1. Ashok Prasad, S/o Late Mahavir Prasad,
2. Ghanti Devi @ Gyanti Devi, W/o Ashok Prasad, Both are R/o Village- Mananpatti, P.S.- Bhagwanpur Hat, District- Siwan.
3. Binda Prasad, S/o Sunar Prasad, R/o Village- Bhatwalia, P.S.- Janta Bazar, District- Saran.
4. Yogendra Prasad, S/o Hajari Prasad, R/o Village- Aruan, P.S.- Bhagwanpur Hat, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar

For the Opposite Party/s : Smt. Asha Devi

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

2 09-10-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,307,379,504/34 of the Indian Penal Code.

For land dispute, there is case and counter case between the parties. Allegation against the petitioner Ashok Prasad, Binda Prasad and Yogendra Prasad is that they assaulted to the informant and Anand Prakash Pandey and who Anand Prakash Pandey, causing injuries at head. The doctor has found five incised wound at the scalp of the informant Vishwanath Pandey and five lacerated wound at the scalp of Anand Prakash Pandey.



Learned counsel for the informant opposes the prayer of anticipatory bail of the petitioners.

After hearing the parties and consider the fact that appellant Ashok Prasad, Binda Prasad and Yogendra Prasad had knowledge that their act might cause death, I am not inclined to enlarge them on anticipatory bail. As such prayer is refused.

Petitioner Ghanti Devi @ Gyanti Devi who is wife of petitioner Ashok Prasad and bears no exclusive allegation of assault, let the petitioner no. 2 Ghanti Devi @ Gyanti Devi, above named, in the event of her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bhagwanpur P.S. Case No. 113 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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