

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.15282 of 2018**

Arising Out of PS.Case No. -426 Year- 2017 Thana -SAMASTIPUR MUFFASIL District-  
SAMASTIPUR

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1. Ashok Kumar Sinha, S/o Late Anand Kishore Prasad,  
2. Keshav Kumar Sinha @ Keshav, S/o Ashok Kumar Sinha,  
Both R/o village- Musapur, P.S.- (Muffasil) Samastipur, District-  
Samastipur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate.  
Ms. Babita Kumari, Advocate.  
For the informant : Mr. Manas Prakash, Advocate.  
For the State : Smt. Sahin Begam, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      24-04-2018                      Heard learned counsel for the petitioners, learned  
counsel for the informant and the State.

The petitioners apprehend their arrest in **Samastipur**  
**(Mufassil) P.S. Case No. 426 of 2017** instituted for the offence  
under Sections 307, 341, 354B, 379, 504/34 of the Indian Penal  
Code and Section 27 of the Arms Act.

Learned counsel for the petitioners has submitted that  
the informant and petitioner No. 1 are full brothers. The petitioner  
No. 2 is own nephew of the informant. There is land dispute  
between the parties. The informant has also filed Complaint Case  
before the learned Magistrate vide Complaint Case No. 620 of



2016 which was sent to Police Station under Section 156(3) Cr. P.C. Thereafter, the case has been lodged vide Mufassil P.S. Case No. 343 of 2017. It has further been submitted that a Partition Suit between the informant and petitioner No. 1 is also pending vide Partition Suit No. 17 of 2013.

It is alleged in the written report that the petitioner No. 2 assaulted the informant and his wife causing injury to them. The injury report of both i.e. the informant and his wife has been enclosed as Annexure-5 and 6 wherein the Doctor has found simple injury on the person of wife of the informant. One of the injuries found on the person of the informant was on left knee of leg which is on non-vital part of the body.

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 **Samastipur (Mufassil) P.S. Case No. 426 of 2017**, 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 **Additional Chief Judicial Magistrate-V, Samastipur**, 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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