

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11875 of 2018

Arising Out of PS.Case No. -73 Year- 2017 Thana -ANDHRAMATH District- MADHUBANI

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1. Anand Mohan Jha, son of Late Kameshwar Jha,
2. Lalit Kant Thakur @ Lalita Thakur, son of Late Mahakant Thakur,
3. Raja Chaudhary, son of Maheshwar Chaudhary,

All Resident of Village- Bharpouri, P.S.- Andharamath, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha, Advocate.
For the informant : Mr. Ratnakar Jha, Advocate.
For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

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

It has been submitted that petitioner No. 1 namely, Anand Mohan Jha has already been arrested. Therefore, his prayer for anticipatory bail has become infructuous.

The prayer of petitioner No. 1 for anticipatory bail is dismissed as withdrawn.

The petitioner Nos. 2 and 3 apprehend their arrest in **Andharamath P.S. Case No. 73 of 2017 corresponding to G.R. No. 1198 of 2017** instituted for the offence under Sections 341, 323, 307 and 379/34 of the Indian Penal Code.



The allegation against petitioner No. 2 is of assaulting the informant with lathi and the allegation against petitioner No. 3 is of assaulting Rajesh Singh, uncle of the informant and Bablu Kumar Singh brother of the informant along with other accused persons with lathi.

The injury reports has been enclosed as Annexure-2, 2/1 and 2/2, from which, it appears that the injuries sustained by all the injured is simple in nature.

From the written report it appears that there is land dispute between the parties and occurrence took place when the Pleader Commissioner had visited the place of occurrence.

Learned counsel for the informant has appeared and opposed prayer of petitioner for anticipatory bail.

Considering the facts and circumstances of the case, prayer for anticipatory bail of petitioner Nos. 2 and 3 namely, Lalit Kant Thakur @ Lalita Thakur and Raja Chaudhary is allowed. In the event of surrender/arrest of the petitioner Nos. 2 and 3, named above, within six weeks from today, in connection with **Andharamath P.S. Case No. 73 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-IIInd, Jhanjharpur, 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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