

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30626 of 2018

Arising Out of PS.Case No. -13 Year- 2018 Thana -GOPALGANJ TOWN District- GOPALGANJ
 =====

1. Bhim Pathak, S/o Sudarshan Pathak,
 2. Rohit Pathak S/o Sudarshan Pathak, Both are R/o Vill.- Amwa Nakcheed,
 P.S.- Gopalganj, Distt.- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

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

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey

For the Opposite Party/s : Mr. Akshay Lal Pandit
 =====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 22.06.2018 Heard learned counsel for the petitioners as well as
 learned Addl. Public Prosecutor for the State.

Petitioners apprehend their arrest in connection
 with Gopalganj Town P. S. case no. 13/2018 registered
 under section 307 and other minor sections of the IPC.

There is allegation against the petitioners that they
 assaulted the informant and his other family members by
 means of farsa and sword respectively.

Informant sustained two injuries, one is said to be
 caused by sharp cutting weapon whereas another is said to
 have been caused by hard and blunt substance. The injury
 which has been caused by hard and blunt substance is
 grievous in nature on the right elbow of the informant. The



wife of the informant sustained two injuries and both injuries are simple in nature.

Learned counsel appearing for the petitioners submits that it was the prosecution party who assaulted the petitioners and their family members for which complaint case bearing Complaint case no. 76/2018 was lodged.

It would appear from perusal of the impugned order dated 5.3.2018 that learned Sessions Judge had directed the petitioners to surrender before the concerned court and seek regular bail but in spite of that the petitioners came before this court.

However, considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition stands disposed of directing the petitioners to surrender before the concerned court within four weeks from today and if the petitioners do so and seek regular bail, the concerned court shall consider regular bail application of the petitioners on its own merit keeping in mind the observations given by learned Sessions Judge, Gopalganj in the impugned order dated 5.3.2018.

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(Hemant Kumar Srivastava,J)

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