

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53619 of 2017

Arising Out of PS. Case No.-210 Year-2017 Thana- BARHARIA District- Siwan

Ramakant Prasad, Son of Late Singhasan Prasad, resident of Village-
Madhopur, P.S.- Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Lal Bahadur Mahto, Son of Late Sakaldeo Mahto.
3. Lal Muni Devi, Wife of Lal Bahadur Mahto,
4. Rajan Mahto, Son of Lal Bahadur Mahto,
5. Ali Akhtar Mian, Son of Late Mirja Jhabu Mian.
6. Chhotey Mian, Son of Late Dhamu Mian
7. Aurangjeb Mian, Son of Ali Akbar Mian.
8. Mirja Bakhtiyar, Son of Firoj Mian. All residents of village- Madhopur, P.S.-
Barharia, District- Siwan.
9. Rabindra Giri, Son of Ram Pravesh Giri, Resident of Village- Baikunthpur,
P.S.- Majhagarh, District- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha
For the Opposite Party/s : Mr. SRI PRANAV KUMAR

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-03-2018 The petitioner seeks cancellation of anticipatory bail granted to the opposite parties no. 2 to 9 by the learned Sessions Judge, Siwan by order dated 22.08.2017 passed in A.B.P. No. 1092 of 2017 in connection with Barharia P.S. Case No. 210 of 2017 dated 02.07.2017 instituted for the offences punishable under Sections 147, 148, 149, 323, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

It has been alleged by the petitioner in the FIR that a proceeding under Section 144 Cr.P.C. was pending between the



parties which ended in favour of the petitioner and the opposite parties thereafter, in utter violation of law, assaulted the persons from the side of the petitioner and also resorted to firing.

From the order impugned, it appears that anticipatory bail was granted to the opposite parties no. 2 to 9 on the ground that the allegations against them were general and omnibus in nature and even with respect to firing, there was no specific allegation as to who fired. The court below also found that nobody had sustained gun-shot injuries and while granting bail to the opposite parties also took into account that there was an old land dispute between the parties.

No good ground has been made out for cancellation of anticipatory bail granted to the opposite parties no. 2 to 9.

The petition is accordingly dismissed.

(Ashutosh Kumar, J)

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