

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14929 of 2018

Arising Out of PS.Case No. -844 Year- 2017 Thana -AHIAPUR District- MUZAFFARPUR

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1. Ram Bali Rai, son of Late Jagdish Rai, resident of Village- Shahwajpur,
P.S. Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner, who is Devar of the informant,
apprehends arrest in connection with Ahiyapur P. S. Case No.
844 of 2017 registered for an offence under Sections 341, 323, 354
(B), 379, 504 and 506 of the Indian Penal Code.

Allegation is that the petitioner alongwith his wife came
at the house of the informant with a sword and assaulted her. They
hurled threat to vacate the house otherwise, she would be killed.

Learned counsel for the petitioner submits that both
parties are agnates. The petitioner's brother Binda Rai and his
mother transferred some land in favour of the petitioner, which
caused heart burning to other co-sharers. The present case has



been filed only on account of property dispute. It is also submitted that earlier to this case, the petitioner has filed a Partition Suit No. 804 of 2017, which is pending in the Court of learned Sub- Judge 1st Muzaffarpur. The sister-in-law has also lodged a case vide Ahiyapur P. S. Case No. 601 of 2017 with similar allegation against the petitioner to harass him. The allegation of assault by sword has been made only to make out a case of graver nature and the informant has not sustained any injury.

Learned APP opposed the submissions.

Considering the aforesaid facts and circumstances, prayer for anticipatory bail is allowed. Let the above named petitioner in the event of his arrest or surrender before the court below within six weeks from today be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with P.S. Case No. 844 of 2017, subject to the conditions as laid down under section 438(2) of the Cr.P.C. with other conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the Court and absence on two consecutive dates without



proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner 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 petitioner.

(Sanjay Kumar, J)

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