

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46945 of 2018

Arising Out of PS.Case No. -108 Year- 2018 Thana -NARHAT District- NAWADA

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1. Ramchandra Rajbanshi, son of late Chhotan Rajbanshi,
2. Mahendra Rajbanshi, son of Basudeo Rajbanshi,
3. Tinchu Rajbanshi, son of Sarju Rajbanshi,
4. Sarju Rajbanshi, s/o late Bachchu Rajbanshi,

All are residents of Village- Gajra Chatar Tola, Banshinagar, Police Station- Narhat, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 25-08-2018

It has been submitted that during pendency of this application, petitioner No.3, Tinchu Rajbanshi, has been arrested and seeks permission to withdraw the application in so far as it relates to petitioner No.3-Tinchu Rajbanshi.

In view of such, this application is dismissed as having become infructuous with respect to petitioner No.3-Tinchu Rajbanshi,

Heard learned counsel for the petitioner Nos.1, 2 and 4 and learned APP for the State.

Petitioner Nos.1, 2 and 4 apprehend their arrest in **Narhat P.S. Case No. 108 of 2018** instituted for the offence under Section(s) 341, 325 and 307/34 Indian Penal Code.



Counsel for the petitioners has submitted that there is case and counter case between the parties on account of land dispute. Son of the petitioner No.4 has lodged Narhat P.S. Case No.109 of 2018 against the family members of the informant. In that case, family members of the informant have assaulted petitioner No.3 on the head and other parts of the body. Xerox copy of Injury report of petitioner No.3 is enclosed as Annexure-5.

In the instant case, there is allegation that the petitioners have assaulted the informant (Mithilesh Rajbanshi) and Ramesh Rajbanshi. Injury reports of both persons have been enclosed as Annexure-2 and 3, which show that they have sustained simple injuries.

In the facts and circumstances of the case, prayer of the petitioner Nos.1, 2 and 4 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the **petitioner Nos.1, 2 and 4**, named above, within six weeks from today in connection with **Narhat P.S. Case No. 108 of 2018**, 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 the **Additional Chief Judicial Magistrate-V, Nawada**, 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 bonds 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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