

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45480 of 2018

Arising Out of PS.Case No. -119 Year- 2018 Thana -KATEYA District- GOPALGANJ

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1. Binod Singh, son of Chandeswar Singh,
2. Ashok Singh @ Ashok Kumar Singh, son of Amar Singh.
3. Rana Singh @ Raja Singh, son of Amar Singh,
All are resident of Village- Bari Sujawla, P.S.- Kateya, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate
For the informant : Mr. Sanjay Kumar Pandey No. 5, Advocate
For the Opposite Party/s : Mr Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-08-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and the State.

The petitioners apprehend their arrest in **Kateya P.S.**
Case No.119 of 2018 instituted for the offence under Sections
341, 323, 504, 307, 379 and 506/34 of the Indian Penal Code.

Counsel for the petitioners submits that there is land
dispute between the parties. There is case and counter case
between them. The daughter-in-law of co-accused Chandeshwar
Singh has filed Kateya P.S. Case No. 120 of 2018 against the
informant and others, in which Chandeshwar Singh has sustained
injury.

In the instant case it is alleged that petitioner No. 2



inflicted *Farsa* blow on the neck of the informant but he escaped and fled away. Petitioner No. 3 is alleged to have assaulted the informant with fists and slaps.

The allegation against co-accused Chandeshwar Singh is of assaulting the informant with iron rod on his head, on account of which, he fell down on the ground.

The injury report of the informant has been enclosed as Annexure-3 which shows that all the injuries were simple in nature except injury No. 4 which is found to be grievous in nature caused by sharp cutting weapon.

Counsel for the informant has submitted that as per written report petitioner No. 1 having with iron rod came and abused the informant. The allegation against petitioner No. 1 is that he came armed with iron rod and abused the informant and when informant started running away, co-accused Chandeshwar Singh caught hold his hand and assaulted with iron rod on his head.

Counsel for the petitioners has further submitted that Doctor has found one injury on the left side parietal incised wound measuring 1" x ½" skin deep which was opined to be simple in nature.

Considering the facts and circumstances of the case,



prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Kateya P.S. Case No.119 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 learned **Additional Chief Judicial Magistrate-XV, Gopalganj**, 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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