

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41116 of 2018

Arising Out of PS. Case No.-407 Year-2018 Thana- SASARAM NAGAR District- Rohtas

1. Ramji Bind,
2. Kailash Bind,
3. Babuna Bind, All 1 to 3 Son of Sri Ram Prasad Bind
4. Krishna Bind, S/o Sri Ramji Bind,
5. Surendra Kr. Bind @ Surendra Bind, S/o Sri Kailash Bind,
6. Mantu Bind,
7. Tengar Bind @ Prem Bind, Both Sons of Babuna Bind, All resident of Village- Songawan, P.S.- Sasaram (Darigaon) District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajesh Kumar Singh
For the Opposite Party/s :	Mr. Sri Braj Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Sasaram (Darigaon)
P.S. case no. 407 of 2018 instituted for the offence under
Section(s) 147, 148, 149, 341, 307, 354A and 504 of the
Indian Penal Code.

Learned counsel for the petitioners has submitted that there
is case and counter case between the parties on account of land
dispute. The counter case has been filed by the son of petitioner
no.1 against the informant and others vide Sasaram (Darigaon)
P.S. case no. 408/2018.



In the instant case there is allegation that accused persons assaulted the informant and his family members and also torn sari and blouse of the daughter of informant.

Case diary has been received wherein the injury report is available which shows that all the injuries sustained by the injured were simple in nature except the injury on the person of injured, namely, Rajendra Bind was found to be grievous in nature. As per written report, petitioner no.4, namely, Krishna Bind is alleged to have assaulted Rajendra Bind son-in-law of the informant.

The injury report of injured Rajendra Bind is available in case diary which shows that he sustained grievous injury. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner no.4, namely, Krishna Bind. Prayer for anticipatory bail of the petitioner no.4 stands rejected.

Petitioner No.4 may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

So far petitioners nos. 1,2,3, 5,6 and 7 are concerned, there is general and omnibus allegation of assaulting the informant and his family members and injuries on the person of



the injured were found to be simple. The prayer for anticipatory bail made on behalf of the petitioner nos. 1, 2, 3, 5, 6 and 7 is allowed. In the event of surrender/arrest of the petitioner nos. 1, 2, 3, 5, 6 and 7, named above, within six weeks from today in connection with Sasaram (Darigaon) P.S. case no. 407 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 CJM Sasaram, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners 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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