

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5291 of 2019

Arising Out of PS. Case No.-312 Year-2018 Thana- DESARI District- Vaishali

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1. Md. Kalam, Gender-Male, aged about 62 years, son of Md. Samsul Haque R
 2. Md. Allauddin, Gender Male, aged about 30 years, son of Md. Fakruddin.
- Both are Resident of Village-Paharpur Toli, Police Station- Desari (Sahdai O.P.) In the District of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-02-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners in the present case are seeking anticipatory bail in connection with Desari P.S. Case No. 312 of 2018 registered for the offences punishable under Sections 341, 323, 325, 307, 354, 448, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that prior to the F.I.R. dated 02.11.2018 (Annexure '1') in which these petitioners have been named as accused, the petitioners side has lodged two F.I.R (s), the first was on 24.10.2018 and the second was on 27.10.2018. Learned counsel submits that there is a land dispute between the parties and that may be the reason for indulging in the free fight by both the parties. It is submitted



that it is a case of false implication and there is no material to connect the petitioners with the present case.

On the other hand, learned APP for the State submits that a land dispute between the co-sharers or the neighbours cannot be taken as a license to enter into a scuffle lashed with deadly weapons and to assault each other and, therefore, only because there was a land dispute, the petitioners cannot claim any benefit of anticipatory bail if they have indulged in an act of assault on the vital part of the body. The submission is that, so far as, petitioner no.1 is concerned, there is specific allegation of assault attributed to him but so far as petitioner no. 2 is concerned, there is a general and omnibus allegations against him.

Taking note of the submissions aforementioned, this Court is not inclined to grant anticipatory bail to the petitioner no.1,hence his prayer for anticipatory bail is rejected. In case, petitioner no. 1 surrenders and prays for regular bail within a period of four weeks from today, his prayer for regular bail shall be considered by the learned Court below on the basis of the materials available on the record without being prejudice by the order of this Court.

So far as, petitioner no.2 is concerned, since, it is



submitted that there are general and omnibus allegations against him, in case of arrest or surrender of petitioner no.2 within a period of four weeks from today, the abovenamed petitioner no.2 is directed to be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali in connection with Desari P.S. Case No. 312 of 2018, subject to the condition that petitioner no.2 shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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