

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11535 of 2019

Arising Out of PS. Case No.-387 Year-2018 Thana- BAJPATTI District- Sitamarhi

1. VINOD RAM Son of Late Jagroop Ram Resident of Village - Supilgadha, P.S.- Bajpatti, District - Sitamarhi
2. Upendra Rai Son of Late Rajdeo Rai Resident of Village - Kurthhiya, P.S.- Bajpatti, District-Sitamarhi
3. Satyanarain Rai Son of Lalchand Rai Resident of Village - Piprathi, P.S.- Bajpatti, District-Sitamarhi
4. Saida Khatoon Wife of Ishhaque Ansari @ Isahaq Rain Resident of Village - Rasalpur, P.S.-Bajpatti, District-Sitamarhi
5. Afsana Khatoon Wife of Saddan Rain Resident of Village - Rasalpur, P.S.- Bajpatti, District-Sitamarhi

... .. Petitioners

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-02-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bajpatti P.S. Case No. 387 of 2018 for the offence under Sections 147, 148, 341, 323, 324, 307, 354, 504 and 506 of the Indian Penal Code.

Though dispute in respect of a piece of land between the parties is the reason behind the alleged occurrence, since there is specific allegation against petitioner No.2, namely, Upendra Rai, of having made assault with *farsa*, which is corroborated by the injury report, I am not inclined to grant him



privilege of anticipatory bail. This application to the extent it relates to petitioner No.2, Upendra Rai, is dismissed.

The petitioner No.2, Upendra Rai, is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

So far as petitioners No. 1, 3, 4 and 5 are concerned, I am convinced with the submission advanced on behalf of the petitioners that there is no such allegation as to constitute offence under Section 307 of the Indian Penal Code. Therefore, this application in respect of petitioners No. 1, 3, 4 and 5 is allowed.

Let the petitioners No. 1, 3, 4 and 5, above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on 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 learned S.D.J.M., Pupri, Samastipur, in Bajpatti P.S. Case No. 387 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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