

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16339 of 2019

Arising Out of PS. Case No.-282 Year-2018 Thana- BIBHUTIPUR District- Samastipur

1. Mahendra Sahni Son of Jhari Lal Sahni Resident of Village - Karakh Tekna Chauk, P.S.- Bibhutipur, Distt.- Samastipur.
2. Sanjay Choudhary Son of Late Asharfi Chaudhary Resident of Village - Karakh Tekna Chauk, P.S.- Bibhutipur, Distt.- Samastipur.
3. Baidya Nath Choudhary Son of Late Bindeshwari Choudhary Resident of Village - Karakh Tekna Chauk, P.S.- Bibhutipur, Distt.- Samastipur.
4. Awadhesh Choudhary Son of Late Bindeshwary Choudhary Resident of Village - Karakh Tekna Chauk, P.S.- Bibhutipur, Distt.- Samastipur.
5. Rajo Sahni Son of Late Hari Lal Sahni Resident of Village - Karakh Tekna Chauk, P.S.- Bibhutipur, Distt.- Samastipur.
6. Dilip Sahni Son of Late Hari Lal Sahni Resident of Village - Karakh Tekna Chauk, P.S.- Bibhutipur, Distt.- Samastipur.
7. Sanjay Sahni Son of Late Hari Lal Sahni Resident of Village - Karakh Tekna Chauk, P.S.- Bibhutipur, Distt.- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gopal Pandey

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 15-03-2019

Heard learned counsel for the parties.

Petitioner No.2, namely, Sanjay Choudhary, has been arrested during the pendency of this application as stated on behalf of the Petitioners.

This application to the extent it relates to petitioner No.2 stands dismissed as having become infructuous.

This application for anticipatory bail arises out of Bibhutipur P.S. Case No. 282 of 2018 for the offence under



Sections 147, 148, 447, 323, 307, 435, 504 and 506 of the Indian Penal Code.

It has been argued on behalf of the petitioners that for the same occurrence, case and counter case have been registered. It is alleged in the First Information Report that nine persons, named in the First Information Report, armed variously with iron rod, *lathi*, etc., had assaulted the informant and his brother. There is allegation against petitioner No.4 of having assaulted the informant's brother with *farsa* in his head. It is alleged against petitioner No. 3 that he assaulted the informant in his head with an iron rod. The accused persons are also said to have set the cowshed on fire.

Learned counsel appearing on behalf of the petitioners has submitted that the parties are on litigating terms and a title suit is pending between them. He contends that a scuffle had taken place on the date of occurrence because of the said dispute and both sides received injuries.

Considering the above submission, this application is allowed.

Let the petitioners No. 1, 3, 4, 5, 6 and 7, 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 A.C.J.M.-1st, Rosera, Samastipur, in Bibhutipur P.S. Case No. 282 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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