

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16347 of 2019

Arising Out of PS. Case No.-338 Year-2017 Thana- DHANARUA District- Patna

1. Vishu Nath Prasad @ Vishwanath Pd. Son of Late Arjun Prasad Resident of Village- Rohilachak, Police Station- Dhanarua, District- Patna.
2. Tutu Kumar Son of Arjun Prasad Resident of Village- Ratan Bigha, Police Station- Ghoshi, District- Jehanabad.
3. Ranjeet Prasad Son of Late Shiv Prasad @ Bhagwan Prasad Resident of Village- Moglani Chak, Police Station- Dhanarua, District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh
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.

This application for anticipatory bail arises out of Dhanarua P.S. Case No. 338 of 2017 for the offence under Sections 147, 148, 149, 341, 323, 307, 354, 379, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

It is evident from the First Information Report that the occurrence, if any, had taken place in the background of land dispute between the parties. It is alleged against petitioner No.1 of having assaulted the informant's son with axe, causing injuries in his fingers. There is allegation against persons named in the First Information Report of having assaulted the informant and others variously.



Learned counsel appearing on behalf of the petitioners has submitted that the injury upon the informant's son has been found to be simple in nature. The informant's injury has also been found to be simple in nature. He contends that no offence can be said to be made out under Section 307 of the Indian Penal Code on the basis of what has been alleged in the First Information Report.

Considering the background in which the occurrence is said to have taken place, this application is allowed.

Let the petitioners 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., Masaurhi, district-Patna in Dhanarua P.S. Case No. 338 of 2017, 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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