

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21073 of 2019

Arising Out of PS. Case No.-136 Year-2018 Thana- DHANSOI District- Buxar

-
1. TUFANI PATHAK Son of Vinod Pathak Resident of Village- Patkhauliya, P.S.- Dhansoi, District- Buxar.
 2. Sudhir Pathak Son of Vinod Pathak Resident of Village- Patkhauliya, P.S.- Dhansoi, District- Buxar.
 3. Munmun Mishra Son of Birendra Mishra Resident of Village- Patkhauliya, P.S.- Dhansoi, District- Buxar.
 4. Doka Yadav @ Fateh Bahadur Singh Son of Shyamrathi Singh Resident of Village- Patkhauliya, P.S.- Dhansoi, District- Buxar.
 5. Shashtri Singh @ Santu Singh Son of Shyamrathi Singh Resident of Village- Patkhauliya, P.S.- Dhansoi, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh
For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2019 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323 and 354 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the basis of written report of Rama Shankar Pathak submitted before the Station House Officer, Dhansoi Police Station is to the effect that on



14.11.2018 at 6.00 A.M., all the FIR named accused persons, including the petitioner, on the point of pistol, pushed the informant and his son into a river and assaulted them with lathi and danda. On alarm being raised, when the daughter-in-law of the informant, namely Sarita Devi came out, then the accused persons assaulted her with fists and slaps.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against the petitioner and the injury has been found superficial simple in nature. It is further submitted that petitioner no.3 lodged Dhansoi P.S. Case No. 137 of 2018 against the informant and his son levelling accusation under Sections 504/506 of the I.P.C. and Section 27 of the Arms Act on 14.11.2018 at 6.30 P.M, whereas the present case has been lodged on 14.11.2018 at 6.00 P.M. in the background of land dispute. It is further submitted that petitioner no.4 is accused in one other case, whereas petitioner no.5 is accused in two other cases apart from the present case, and petitioner nos. 1 to 3 are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner is named in the FIR.

Considering the accusation being omnibus and



general and the case lodged by the petitioners' side at earlier point of time, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 CJM, Buxar, in connection with Dhansoi P.S. Case No.136 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

