

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34562 of 2019

Arising Out of PS. Case No.-19 Year-2019 Thana- DHANAHAN District- West Champaran

1. SHARMA GADDI Son of Vinachal Gaddi Resident of Village- Gaddiani Tola, P.S.- Dhanaha, District- West Champaran.
2. Ful Mohammad Gaddi, Son of Vinachal Gaddi, Resident of Village- Gaddiani Tola, P.S.- Dhanaha, District- West Champaran.
3. Motib Gaddi @ Majiv Gaddi @ Mojib Gaddi Son of Vinachal Gaddi, Resident of Village- Gaddiani Tola, P.S.- Dhanaha, District- West Champaran.
4. Vinachal Gaddi @ Bindhachal Gaddi Son of Late Bhukhal Gaddi, Resident of Village- Gaddiani Tola, P.S.- Dhanaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prithvi Nath Mishra
For the Opposite Party/s	:	Ms.Rina Sinha
For the informant	:	Mr. Vijay Kr. Singh No.-I

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 17-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Dhanaha P.S. Case No. 19 of 2019, disclosing the offence under Section 307 and other allied Sections of the Indian Penal Code.

It is evident from the First Information Report that petitioner no. 4 had strayed his she-goat in the informant's field, which was objected to by the informant. Allegedly thereafter, the persons named in the FIR had assaulted the informant with *lathi* and iron rod. The informant is said to have sustained



injuries in his head.

Learned counsel appearing on behalf of the petitioner has submitted that the allegation against all the persons named in the FIR is general and omnibus and there is no allegation of specific overt act.

Learned counsel appearing on behalf of the informant has opposed the prayer for anticipatory bail and has submitted that considering the grievous nature of injuries sustained by the informant, this application for grant of anticipatory bail should not be entertained.

Be that as it may, Considering the background, in which the occurrence is said to have taken place and the nature of allegation in the FIR, 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 bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in Dhanaha P.S. Case No. 19 of 2019, subject to the condition 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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