

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30317 of 2019

Arising Out of PS. Case No.-258 Year-2018 Thana- DHURAIYA District- Banka

1. Tarkeshwar Pandit S/o Ramanand Pandit Resident of Village- Laugany, P.S.- Dhoraiya, District- Banka.
2. Amik Lal Pandit S/O Ram Lakhan Pandit Resident of Village- Laugany, P.S.- Dhoraiya, District- Banka.
3. Rupesh Pandit @ Rupesh Kr. Pandit S/O Amik Lal Pandit Resident of Village- Laugany, P.S.- Dhoraiya, District- Banka.
4. Santosh Pandit @ Mantosh S/O Vishwa Nath Pandit Resident of Village- Laugany, P.S.- Dhoraiya, District- Banka.
5. Shiv Kumar S/O Vishwa Nath Pandit Resident of Village- Laugany, P.S.- Dhoraiya, District- Banka.
6. Shyam Pandit S/O Haro Pandit Resident of Village- Laugany, P.S.- Dhoraiya, District- Banka.
7. Ram Lakhan Pandit S/O Ramu Pandit Resident of Village- Laugany, P.S.- Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-07-2019 This is an application for grant of anticipatory bail in connection with Dhoraiya P.S. Case No. 258 of 2018 disclosing offences under Sections 147, 341, 323, 325, 307, 504, 379 and 506 of the Indian Penal Code.

Allegation against the petitioners seven in numbers and one other that they came there and assaulted the father of the informant but the specific allegation against the petitioner no. 1 that he assaulted by axe and khanti to the deceased . It appears that later on



deceased died after 54 days and as such Section 302 has also been inserted.

Submission of the learned counsel for the petitioner is that except petitioner no. 2 there is no specific allegation attributed against the other petitioners. There is a land dispute between the parties and they are not involved in the occurrence rather no such type of occurrence has ever taken place. Petitioner is aged about 80 years old. Further submission is that postmortem report shows injury on the leg and the death due to septicemia.

Heard learned A.P.P. as well as learned counsel for the informant, they have opposed the prayer for bail on the ground that the petitioners are tried to forcibly encroached the land of the informant and as such they are also threatening the informant and his son.

Having heard both sides, considering the above submission, this application is allowed. Let the petitioners except petitioner no. 1, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of learned C.J.M., Banka, in connection with Dhoraiya P.S. Case No. 258 of 2018 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure. With condition that they will not make any steps to intimidate the informant or his family members.



As stated above I am not inclined to grant privilege of anticipatory bail to petitioner no. 1 however, the petitioner is directed to surrender before the learned court below and make prayer for regular bail the same shall be considered by the learned court below on its own merit.

(Vinod Kumar Sinha, J)

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