

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36536 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- SAHPUR District- Patna

1. RAJ KUMAR S/o Radhey Rai R/o village- Shikarpur, P.S.- Shahpur, District- Patna, Bihar
2. Praduman Kumar S/o Shailender Rai R/o village- Shikarpur, P.S.- Shahpur, District- Patna, Bihar
3. Rajesh Kumar S/o Bhim Rai R/o village- Shikarpur, P.S.- Shahpur, District- Patna, Bihar
4. Binay Kumar S/o Bhim Rai R/o village- Shikarpur, P.S.- Shahpur, District- Patna, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arshad Alam, Advocate.
Mrs. Anjum Perveen
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 19-09-2019 The petitioners apprehend their arrest in connection with Shahpur P. S. Case No. 9 of 2019 registered under Sections 147, 307, 323, 341, 379, and 504 of the Indian Penal Code.

Allegation against the petitioners is that petitioners entered into the house of the informant and assaulted the informant, his mother and pregnant sister by means of *lathi*, *danda*, fist and slaps.

Mr. Syed Arshad Alam, learned counsel appearing on behalf of the petitioners submits that both parties are close relative and there is land dispute between them. He submits that



the dispute between the parties had arisen due to throwing of some water from the roof in the house of the informant and injuries caused to the informant and others have been found to be simple in nature. Learned counsel submits that petitioners nos. 2 to 4 are students and petitioner no. 1 is preparing for competitive examination.

On the other hand, learned counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail and submits that pregnant sister of the informant was assaulted by the petitioners as such they do not deserve privilege for anticipatory bail.

Having regard to the submissions made by the parties and taking into consideration the fact that both parties are related to each other and petitioners are students studying in college, accordingly, I am inclined to grant anticipatory bail to the petitioners.

Let the petitioners, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Danapur in connection with Shahpur P.S. Case No. 9 of



2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also give undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to do so on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

(Anil Kumar Sinha, J)

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