

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37858 of 2019

Arising Out of PS. Case No.-365 Year-2018 Thana- JOKIHAT District- Araria

1. AKIL @ AKLIM S/O Kalimuddin Resident of Village- Farsadangi, P.S.- Palasi, District- Araria..
2. Mojassim Son of Sakil Resident of Village- Farsadangi, P.S.- Palasi, District- Araria..
3. Irsad Son of Jumratli Resident of Village- Barhat, P.S.- Palasi, District- Araria..
4. Nanha Son of Irsad Resident of Village- Barhat, P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 24-06-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Jokihat P.S. Case NO. 365 of 2018 (G.R. No. 3705 of 2018), disclosing offences under Sections 341,323,324,307/34 of the Indian Penal Code.

The informant is the father-in-law of petitioner No.2. The petitioner No.1 is the family member of petitioner No.2. There are five persons named in the First Information Report and it is alleged that they assaulted the informant with sword on the informant's head causing injury.

Learned counsel appearing on behalf of the petitioners has submitted that a case for commission of the offence under Section 498A of the Indian Penal Code has been filed by the informant's daughter, who is wife of petitioner No.2. He submits that out of inadvertence the pendency



of the said matrimonial case could not be incorporated in paragraph 3 of the application. He has further submitted that lodging of the present First Information Report is out of vengeance.

Be that as it may, considering the background in which the case has been registered, 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 Chief Judicial Magistrate, Araria in Jokihat P.S. Case No. 365 of 2018, 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.

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(Chakradhari Sharan Singh, J)

