

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42325 of 2019

Arising Out of PS. Case No.-47 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. Arjun Rai, Son of Hansnath Rai, Resident of Village - Bansibatraha, P.S.- Phulwaria (Sripur O.P.), Distt - Gopalganj.
2. Subhash Rai, Son of Late Mangal Rai, Resident of Village - Bansibatraha, P.S. - O.P.- Distt - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 01-10-2019 This is an application for grant of anticipatory bail in connection with Phulwaria P. S. Case No. 47 of 2019, disclosing offences under Sections 147, 149, 324, 323, 307 and 379 of the Indian Penal Code and Section 27 of the Arms Act.

As per F.I.R. petitioners were ploughing the land and when the informant tried to stop them, the accused persons including the petitioners, who were variously armed and on the order of one Janak Rai, Arjun Rai had fired to his father and thereafter, the accused persons including the petitioners started assaulting his father and one accused has taken out the licensee pistol and rifle from his vehicle and when the informant tried to stop them, he was also assaulted.

Submission of the learned counsel for the petitioners



is that there is case and counter case between the parties. The land dispute is going on between the parties, which will appear from the F.I.R. So far this petitioners are concerned, there is no specific allegation against these petitioner no.1 and so far petitioner no.2 is concerned, though there is allegation of fire, but the F.I.R. itself shows that nobody has received fire arm injury and injury is simple in nature, which will appear from the Annexure 2 series. Further submission is that petitioners' side has also received injuries.

Heard learned A.P.P. as well as learned counsel for the opposite party no.2 also, who has opposed the prayer for anticipatory bail on the ground that petitioners are aggressor and F.I.R. further shows that they have assaulted the informant and others. As such, they do not deserve anticipatory bail.

Having heard both sides, considering the above submission, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of two weeks from the date of receipt of certified copy of this order, on surrender, they will 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 Additional Chief Judicial



Magistrate- XIII, Gopalganj, in connection with Phulwaria P. S.
Case No. 47 of 2019, subject to the condition laid down under
Section 438(2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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