

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43815 of 2019

Arising Out of PS. Case No.-469 Year-2018 Thana- DUMRA District- Sitamarhi

1. Matheran Ram, Son of Ram Briksha Ram
2. Sita Devi, Wife of Matheran Ram
3. Bindu Devi, Wife of Matheran Ram
All Resident of Village - Munchatti, P.S.- Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Falakyar Askari, Adv.
For the Opposite Party/s : Mr.Pancha Nand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 24-09-2019 Heard learned counsel for the petitioners and learned
APP for State.

The petitioners in this case are seeking anticipatory bail in connection with Dumra P.S. Case No.469 of 2018 registered for the offences punishable under Sections 341, 323, 324, 325, 307 and 379 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner no.1 is the brother of the husband of the informant, there is a land dispute between the parties and because of the enmity arising on the division of the family properties, a free fight seems to have taken place. A counter case has also been registered. Learned counsel further submits that the main



allegation causing assault on the head is against petitioner no.1 but the injury is simple in nature.

Learned APP for the State submits that so far as petitioner no.1 is concerned, since he has given repeated lathi blow on the head of the informant and her husband, he does not deserve privilege of anticipatory bail. As regards petitioner nos.2 and 3, however, it is submitted that the allegations are not specific and those are general and omnibus.

Considering the facts and circumstances of the case wherein the specific allegation of causing two lathi blows is against petitioner no.1, his prayer for anticipatory bail is rejected. In case he surrenders in the court below within a period of four weeks from today and prays for regular bail his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court. The court below shall keep in mind that the injuries are said to be simple in nature and there is a land dispute between the parties who are co-sharer.

So far as petitioner nos.2 and 3 are concerned, since there are general and omnibus allegations against them, let the petitioner no.2 Sita Devi and petitioner no.3 Bindu Devi in the event of their arrest or surrender within a period of four weeks



from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Dumra P.S. Case No.469 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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