

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51264 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- RISIYAP District- Aurangabad

1. KEDAR PANDEY Son of Late Ram Rekha Pandey
 2. Manish Pandey Son of Nilmani Pandey
- Both are Resident of Village - Gheura, P.S.- Risiup, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate.
Mr. Pramendra Kumar Singh, Advocate.
For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 16-11-2019 The petitioners apprehend their arrest in connection with Risiup P. S. Case No. 32 of 2019 registered under Sections 308,323,341 and 504/34 of the Indian Penal Code.

Allegation against the petitioners is that petitioners along with other accused persons assaulted the informant by means of *lathi, khanti* etc.

Learned counsel appearing on behalf of the petitioners submits that petitioners and informant are agnate and there is case and counter case in between the parties inasmuch as Risiup P.S.Case No. 31 of 2019 has been lodged by petitioner no. 1 against the informant and others. Learned counsel further submits that the case lodged by petitioner no. 1 is prior in time to the case lodged by the informant. He further submits that in



the FIR, the allegation of assault is not upon these petitioners but on the contrary, the same is upon one Kanhaiya Pandey, who is not petitioner here.

Having regard to the submissions made by the parties and taking into consideration the fact that both parties are agnate and there is case and counter case in between the parties and allegation of assault is not specific against the petitioners, as such 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-VII, Aurangabad in connection with Risiup P.S.Case No. 32 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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