

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53289 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- TERHAGACHH District- Kishanganj

1. Shakuntala Devi aged about 22 years female W/o Ram Chander Mahto Resident of Village- Balua Jagir, P.S.- Terhagachh, District- Kishanganj.
2. Ram Chander Mahto aged about 25 years male Son of Fuleshwar Mahto Resident of Village- Balua Jagir, P.S.- Terhagachh, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Surendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 26-08-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Terhagachh P.S. Case No. 74 of 2019 registered under sections 341, 323, 325, 307, 504/34 of the IPC.

The allegation against the petitioners is that petitioners along with others assaulted the informant, his wife and his daughter-in-law while the informant was erecting pillar over his land.

Learned counsel appearing for the petitioners submits that both the parties are agnates and there is a land dispute between them. Learned counsel further submits that there is case and counter case between the parties inasmuch as Terhagachh P.S. Case No. 73 of 2019 has been lodged by the side of the petitioners. Learned counsel also submits that injuries caused to the informant and others are simple in nature. Learned counsel further submits that similarly



situated co-accused persons have been granted bail by this Court in Criminal Miscellaneous No. 50599 of 2019 and 49616 of 2019.

After having heard learned counsel for the parties and taking into consideration the fact that both the parties are related, there is case and counter case between the parties and the case lodged by the side of the petitioners is prior in time and further the injury caused to the informant and others are simple in nature, I am inclined to grant anticipatory bail to both the petitioners.

Accordingly, both the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon 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, Kishanganj in connection with Terhagachh P.S. Case No. 74 of 2019 subject to the conditions as mentioned under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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