

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52185 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- FATEHPUR District- Gaya

1. CHAMELWA DEVI @ ABAMDILWA DEVI Wife of Guddu Manjhi Resident of Village/ Mohalla- Panti Tola, Bhagalpur, P.S.- Fatehpur, District- Gaya, Bihar
2. Meena Devi Wife of Babulal Manjhi Resident of Village/ Mohalla- Panti Tola, Bhagalpur, P.S.- Fatehpur, District- Gaya, Bihar
3. Chhotu Manjhi Son of Babulal Manjhi Resident of Village/ Mohalla- Panti Tola, Bhagalpur, P.S.- Fatehpur, District- Gaya, Bihar
4. Sadan Manjhi Son of Late Badan Manjhi Resident of Village/ Mohalla- Panti Tola, Bhagalpur, P.S.- Fatehpur, District- Gaya, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-08-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Fatehpur Police Station Case No. 46 of 2019, disclosing offences under Sections 341/323/504/308 of the Indian Penal /Code.

The allegation against the petitioners, as per the First Information Report, is that the petitioners assaulted the informant by means of lathi.

Learned Counsel for the petitioners submits that the



petitioners have falsely been implicated in this case due to land dispute inasmuch as Title Suit No. 298 of 2019 is pending between them before the Sub Judge-XII, Gaya. He further submit that the occurrence is alleged to have taken place on 22.01.2019, however, the First Information Report has been lodged after a considerable delay of about 21 days, on 13.02.2019. He, relying on Annexure-2 (injury report), submits that the injuries caused to the informant are simple and superficial in nature.

After having heard learned Counsel for the parties and taking into consideration the fact that there is title suit pending between the parties and the injuries caused to the informant are simple and superficial in nature and further there is considerable delay in lodging of the First Information Report, I am inclined to grant the petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 10th Additional Chief Judicial Magistrate, Gaya, in connection with Fatehpur Police Station Case No. 46



of 2019, subject to the condition 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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