

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65254 of 2019

Arising Out of PS. Case No.-15 Year-2018 Thana- CHAUTHAM District- Khagaria

1. Lalan Sah, aged about 32 years, Son of Naresh Sah, Resident of Village - Paharchak, P.S.- Chautham, District- Khagaria.
2. Anita Devi, female, aged about 60 years, Wife of Naresh Sah, Resident of Village - Paharchak, P.S.- Chautham, District- Khagaria.
3. Suresh Sah, male, aged about 65 years, Son of Late Biranchi Sah, Resident of Village - Paharchak, P.S.- Chautham, District- Khagaria.
4. Santosh Sah, male, aged about 30 years, Son of Naresh Sah, Resident of Village - Paharchak, P.S.- Chautham, District- Khagaria.
5. Bikash Kumar @ Bikku Sah, male, aged about 20 years, Son of Naresh Sah, Resident of Village - Paharchak, P.S.- Chautham, District- Khagaria.
6. Krishna Kumar, male, aged about 25 years, Son of Naresh Sah, Resident of Village - Paharchak, P.S.- Chautham, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-11-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Chautham P.S. Case No. 15 of 2018 registered under sections 341, 323, 324, 307, 504, 506/ 34 of the IPC.

The allegation against the petitioners, is that the petitioners assaulted the informant and his family members by means of belcha, iron rod, lathi, danda etc.

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 altogether 6 persons have been made accused and the allegation is general and omnibus. Learned counsel further submits that the police after investigation submitted a charge-sheet under Section 308 and other sections and did not submit the charge-sheet under Section 307, however, learned Magistrate has differed with the police report and has taken cognizance against the petitioners and others under Section 307 IPC.

On the other hand, learned counsel appearing for the informant vehemently opposes the prayer for the anticipatory bail and submits that there is specific allegation against the petitioner no.1 that he assaulted by means of belcha.

Having regard to the submissions made by the parties and taking into consideration the fact that both the parties are agnates and there is land dispute between them, I am inclined to grant anticipatory bail to all the petitioners, subject to the condition that the petitioners shall not indulged in similar kind of offence in future.

Accordingly, the petitioners, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today 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 Chief Judicial Magistrate, Khagaria, in connection with Chautham P.S. Case No. 15 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

Anjula/-

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