

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62044 of 2019

Arising Out of PS. Case No.-270 Year-2019 Thana- JOKIHAT District- Araria

1. ARMATI @ AZMATI W/O Alam Resident of Village- Uda, P.S.- Mahalgaon, District- Araria.
2. Nizhat D/o Alam Resident of Village- Uda, P.S.- Mahalgaon, District- Araria.
3. Rahitiya @ Shabatiya D/O Alam Resident of Village- Uda, P.S.- Mahalgaon, District- Araria.
4. Hashni @ Husani W/o- Sadique Resident of Village- Uda, P.S.- Mahalgaon, District- Araria.
5. Kaili @ Ashmin W/o Mushkil Resident of Village- Uda, P.S.- Mahalgaon, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Alok Mr. Santosh Kumar
For the Opposite Party/s	:	Mr.Nawal Kishore Prasad
For the informant	:	Mr. Akash Shankar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-10-2019 Heard learned Counsel for the petitioners, learned Counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Mahalgaon (Jokihat) Police Station Case No. 270 of 2019, disclosing offences under Sections 341/323/324/307/325/504/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that the informant was assaulted by some



persons and when the wife of the informant came to save the informant, the petitioners assaulted his wife as well as children.

Learned Counsel for the petitioners submits that both the parties are co-villagers and there is land dispute between them. He further submits that no overt act has been alleged against these petitioners and the only allegation against them is that they assaulted the wife and children of the informant, but no manner of assault has been mentioned in the First Information Report.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for bail and submits that all the accused persons, including the petitioners, surrounded the informant and assaulted him by means of traditional and lethal weapons, due to which he has received grievous injury.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-villagers, there is land dispute between them and no overt act has been alleged against these petitioners of assaulting the informant, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, 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 Chief Judicial Magistrate, Araria, in connection with Mahalgaon (Jokihat) Police Station Case No. 270 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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