

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69275 of 2019

Arising Out of PS. Case No.-168 Year-2019 Thana- JOKIHAT District- Araria

1. TEJ NARAYAN BISWAS Son of Chamru Bishwas Resident of Village - Bara, P.S.- Mahalgaon (Jokihat), Distt - Araria.
2. Sundar Bishwas Son of Chamru Bishwas Resident of Village - Bara, P.S.- Mahalgaon (Jokihat), Distt - Araria.
3. Mangal Biswas Son of Tej Narayan Bishwas Resident of Village - Bara, P.S.- Mahalgaon (Jokihat), Distt - Araria.
4. Anil Biswas Son of Baso Bishwas Resident of Village - Bara, P.S.- Mahalgaon (Jokihat), Distt - Araria.
5. Ashok Biswas @ Ashok Kumar Son of Baso Bishwas Resident of Village - Bara, P.S.- Mahalgaon (Jokihat), Distt - Araria.
6. Rohit Biswas Son of Baso Biswas Resident of Village - Bara, P.S.- Mahalgaon (Jokihat), Distt - Araria.
7. Pandav Biswas Son of Baso Bishwas Resident of Village - Bara, P.S.- Mahalgaon (Jokihat), Distt - Araria.
8. Amarjit Biswas @ Amarjit Son of Baso Bishwas Resident of Village - Bara, P.S.- Mahalgaon (Jokihat), Distt - Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in connection with
Jokihat (Mahalgaon) P.S. Case no. 168 of 2019 instituted for
the offence under Section(s) 341,323,324,307,379,447,448,427
and 504/34 of the Indian Penal Code.



It is submitted by the petitioners' counsel that there is no specific allegation of assault against the accused persons other than Mangal Biswas (petitioner no.3). Prior to the instant case, they have no criminal antecedents though subsequently they have also been implicated in another case by the same informant. It is further submitted that there is subsisting land dispute and the allegations are false, omnibus and motivated. It has further been submitted that the occurrence is alleged to have taken place on 11.04. 2019 whereas the First Information report has been lodged after considerable delay of on 02.05.2019 without there being valid explanation for such inordinate delay. The same indicates the falsity of the entire allegation.

The learned APP for the State opposed the prayer for bail by submitting that allegation of assault by means of *Farsa* on the head of Prdip Biswas stands corroborated by the injury report Annexure-2 to bail application.

In the facts and circumstances of the case, prayer of the petitioners No. 1,2,4,5,6 7 and 8 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners No. 1,2,4,5,6, 7 and 8, named above, before the court below, within four (04) weeks from today, they shall be released on anticipatory bail on 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, Araria** in connection with **Jokihat (Mahalgaon) P.S. Case no. 168 of 2019** subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

So far as petitioner no.3, namely Mangal Biswas is concerned, his prayer for anticipatory bail stands rejected.

(Madhuresh Prasad, J)

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