

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77698 of 2019

Arising Out of PS. Case No.-171 Year-2019 Thana- BAHERI District- Darbhanga

1. Naresh Ram Son of Nandu Ram Resident of Village-Dhanauli, P.S.-Baheri, District-Darbhangha.
2. Nathuni Ram Son of Moti Ram Resident of Village-Dhanauli, P.S.-Baheri, District-Darbhangha.
3. Pulendra Ram @ Fulendra Ram Son of Moti Ram Resident of Village-Dhanauli, P.S.-Baheri, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Govind

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have filed the instant application for anticipatory bail apprehending their arrest in a case registered for the offence under sections 341,342,323,307 and 34 of the Indian Penal Code.

As per the allegation in the FIR, the petitioners are said to have assaulted the informant and family members due to land dispute between the parties. It is stated that the petitioner no. 1 assaulted the father of the informant with gadasa causing cut injury on the finger of his leg. Thereafter, it is stated that



petitioner no. 2 hit the mother of the informant with iron rod causing mark on her body.

It is submitted by learned counsel for the petitioners that from perusal of the FIR, it would clearly be evident that there is no allegation against the petitioner no. 3 and the allegation leveled on the petitioner no. 2 itself falsifies the allegation, as assault by iron road would not cause just a mark on the body.

Having heard learned counsel for the parties and taking into consideration that the cause of occurrence, as per the FIR itself, appears to be a land dispute, there is case and counter case between the parties and the case lodged against the informant being much earlier to the case lodged against the petitioners, the Court is inclined to grant bail to the petitioners no. 2 and 3. The petitioners no. 2 and 3, in the event of their arrest or surrender in the court below within a period of six weeks from today in connection with Baheri P.S. Case No. 171 of 2019 are directed to be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IX, Darbhanga subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.



However, in view of the direct allegation against the petitioner no. 1 having given gadasa blow on the leg of the father of the informant, the Court is not inclined to enlarge the petitioner no. 1 on anticipatory bail and as such his prayer for bail is rejected. The petitioner no. 1 is directed to surrender in the court below within six weeks. In case he surrenders within the aforesaid time, the court below shall consider the application for bail without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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