

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.976 of 2020

Arising Out of PS. Case No.-180 Year-2019 Thana- JOKIHAT District- Araria

1. MOHITLAL CHAUDHARY Son of Late Nimlal Chaudhary Resident of Village - Bagdhara, Ward No.10, P.S.- Jokihat, District- Araria
2. Jai Singh Chaudhary Son of Late Mangto Chaudhary Resident of Village - Bagdhara, Ward No.10, P.S.- Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 147, 149, 341, 323, 324, 354(B), 379, 385, 447, 504, 506 of the Indian Penal Code.

Allegedly, all the accused persons having gathered with common intention, started constructing the house over the land in question. On protest, the accused persons abused and



assaulted the informant. When the informant's daughter came to rescue her mother, she was also assaulted.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. There is case and counter case between the parties. Due to land dispute, the alleged occurrence is said to have taken place. The alleged occurrence is said to have taken place on 08-05-2019. The case was instituted on 09-05-2019. The delay in instituting the FIR has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional Chief Judicial Magistrate-V, Araria in connection with Jokihat P.S. Case No. 180 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall



furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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