

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10952 of 2020

Arising Out of PS. Case No.-515 Year-2019 Thana- SONEPUR District- Saran

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1. MANTU GOPE Son of late Koshan Rai Resident of Village - Jaitiya Sahpur, P.S.- Sonepur, Dist.- Saran.
 2. Ramjee Rai Son of Ambika Rai Resident of Village - Jaitiya Sahpur, P.S.- Sonepur, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr. A. L. Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-07-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor representing the State, through Video Conferencing.

After some argument, learned Counsel for the petitioners seeks permission to withdraw this application so far as petitioner no. 1, Mantu Gope, is concerned.

Permission is granted.

This application, so far as petitioner no. 1 is concerned, is dismissed as withdrawn.

So far as petitioner no. 2 is concerned, he seeks anticipatory bail in connection with Sonepur Police Station Case No. 515 of 2019, disclosing offences under Sections



147/148/149/323/325/307/354/379/427 of the Indian Penal Code.

The allegation against the petitioner no. 2 is that he, along with other co-accused persons, tried to commit rape upon the informant.

Learned Counsel for the petitioner no. 2 submits that the petitioner no. 2, along with other co-accused persons, ten in numbers, have been implicated in this case by the informant inasmuch as there is land dispute between the parties and a proceeding, under Section 144 of the Code of Criminal Procedure, 1973, has been decided in favour of the side of the petitioner no. 2. He further submits that there is no allegation of assault upon the petitioner no. 2 and he has got no criminal antecedent. He further submits that most of the co-accused persons have been granted anticipatory bail by learned Court below itself. He, referring to Annexure 3, submits that both the parties have compromised their dispute and a joint compromise petition has been filed before learned Chief Judicial Magistrate, Saran, at Chapra.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is land dispute between the parties and some other co-accused



persons have been granted anticipatory bail by the Court below itself, I am inclined to grant the petitioner no. 2 privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner no. 2, above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran, at Chapra, in connection with Sonapur Police Station Case No. 515 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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