

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12138 of 2020

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1. Vijoy Sah @ Vijoy Sao aged 50 years (Male) Son of Late Kesho Sah.
 2. Amarjeet Kumar @Amarjeet Sao aged 23 years (Male) son of Vijoy Sah @Vijoy Sao
 3. Veena Devi aged 45 years (Female) Wife of Vijoy Sah @ Vijoy Sao
 4. Sahdev Mandal aged 69 years (Male) son of Late Rup Lal Mandal

All are resident of village Khaje Chak, P.S.-Kharagpur, District -Munger

..... Petitioners

Versus

The State of Bihar

..... Opposite party

Appearance

For the Petitioners : Mr. Sanjiv Kumar Singh, Advocate

For the State : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 03.09.2020 Heard learned counsel for the petitioners and learned
A.P.P for the State through video conferencing.

The instant application for anticipatory bail has been filed
by the petitioners apprehending their arrest in connection with
Kharagpur P.S. Case No.323 of 2019 registered under sections
308, 323,448, 427, 504, 506, 379, 354, 341, 147, 148 and 149 of



the of Indian Penal Code.

As per allegation in the F.I.R, it is stated by learned counsel for the informant that the 22 named accused persons including the four petitioners herein, opposing the measurement of the land, entered into the house of the informant, threw and broke various articles and they started to assault the informant and his brother Mohan Pandit brutally, as a result of which they sustained injuries. It is further stated that other members of the informant's family were also assaulted.

It is submitted by learned counsel for the petitioners that the allegations are general and omnibus in nature. The petitioners have been falsely implicated because of land dispute between the parties. It is further submitted that the injury report which has come in course of investigation does not support the allegation of brutal assault by 22 persons as made in the F.I.R.. The petitioners have no criminal antecedent.

Case diary called for in the case has been received.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking



into consideration the submissions made on behalf of the petitioners including the delay in lodging of the F.I.R., the injury report not fully supporting the allegation as levelled in the F.I.R. and the petitioners not having any criminal antecedent, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Kharagpur P.S. Case No.323 of 2019, they will be enlarged on bail on furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-IV, Munger, subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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