

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22373 of 2020

Arising Out of PS. Case No.-127 Year-2019 Thana- BHARGAMA District- Araria

1. PRAMILA DEVI W/o Rajo Sharma Resident of Village- Paikpar, Ward No.3, P.S.- Bhargama, Distt- Araria.
2. Rajo Sharma S/o Dukho Sharma Resident of Village- Paikpar, Ward No.3, P.S.- Bhargama, Distt- Araria.
3. Dukho Sharma S/o Late Sonu Sharma Resident of Village- Paikpar, Ward No.3, P.S.- Bhargama, Distt- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh
For the Opposite Party/s : Mrs.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-11-2020

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bhargama P.S. Case No. 127 of 2019, G.R. No. 1940 of 2019 disclosing the offence under Section 307 and other allied Sections of the Indian Penal Code.

Petitioner no. 1 is wife of petitioner no. 2. Petitioner no. 2 is son of petitioner no. 3. It is alleged that FIR named accused persons and other unidentified miscreants armed with *lathi*, iron rod, sickle etc. had started construction of a house near the doorway of the informant. When the informant's husband objected to it, petitioner no. 2 assaulted with *dabia* in



his head. It is also alleged that petitioners no. 2 and 3 attempted to strangle the informant's husband. When the informant went there in rescue, she was assaulted by petitioners no. 1 and 3.

Learned counsel appearing on behalf of the petitioners has submitted that in respect of the same occurrence counter-case has been registered as Forbesganj P.S. Case No. 138 of 2019. He has submitted that it is evident from the FIR that there is land dispute between the parties, which is the reason behind lodging of the FIR.

Considering the nature of dispute as appearing on reading of the FIR, which finally culminated into lodging of the two criminal cases, this application is allowed.

Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned J.M. 1st Class, Araria in Bhargama P.S. Case No. 127 of 2019, G.R. No. 1940 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners



shall present themselves before the Police/ Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

(Chakradhari Sharan Singh, J)

Rajesh/-

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