

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24781 of 2020

Arising Out of PS. Case No.-403 Year-2019 Thana- TAJPUR District- Samastipur

1. JALESHWAR RAM S/O Late Ganeshi Ram R/V- Banveera, P.S. - Tajpur (Halai O.P.), District - Samastipur.
2. Vijay Kumar S/O- Jaleshwar Ram R/V- Banveera, P.S. - Tajpur (Halai O.P.), District - Samastipur.
3. Rakesh Ram S/O- Dhaneshwar Ram R/V- Banveera, P.S. - Tajpur (Halai O.P.), District - Samastipur.
4. Mithilesh Ram S/O- Dhaneshwar Ram R/V- Banveera, P.S. - Tajpur (Halai O.P.), District - Samastipur.
5. Ashok Ram S/O- Bindeshwar Ram R/V- Larua, P.S. - Tajpur (Halai O.P.), District - Samastipur.
6. Jagdish Ram S/O- Late Laxmi Ram R/V- Larua, P.S. - Tajpur (Halai O.P.), District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 23-12-2020 Heard learned counsel for the petitioners and learned counsel for the State through video conferencing.

It is submitted by learned counsel for the petitioners that during pendency of this application the petitioner no. 6 has been arrested and as such he seeks permission to withdraw this application so far as petitioner no. 6 is concerned.

The application so far as petitioner no. 6 is concerned, is dismissed as withdrawn.

The petitioner nos. 1 to 5 have filed the instant application for grant of anticipatory bail apprehending their



arrest in connection with Tajpur P.S. Case no. 403 of 2019 registered under sections 307, 147, 148, 149, 341, 342, 323, 325, 447, 248, 379, 504 and 506 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that he has differences with his only son Pankaj Kumar who keeps threatening that he would kill him once all the immovable property is transferred in his name. It is further stated by the informant that his son along with his uncle and others including the six petitioners herein assaulted the informant with iron rod, lathi etc. as a result of which he sustained serious injuries in his leg. They also assaulted Manita Devi and nephew Rahul Kumar.

It is submitted by learned counsel for the petitioners that from the FIR it would be evident that the main dispute is between the informant and his son. This is for the reason that the informant has an extra marital affair. The petitioners who are the agnate and others have been falsely implicated in the case. It is further submitted that the injury report does not support the allegation as levelled in the FIR. The injury report of the informant which has been brought on record at pages 16 and 17 to this petition would show that the doctor found only a swelling in the forearm and abrasion in the knee



and ankle. The petitioners have no criminal antecedent.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the submissions made on behalf of the petitioners, the Court is inclined to enlarge the petitioner nos. 1 to 5 on anticipatory bail. The petitioner nos. 1 to 5 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 Tajpur (Halai O.P.) P.S. Case no. 403 of 2019 they will 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 learned Additional Chief Judicial Magistrate 1st, Samastipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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