

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86360 of 2019

Arising Out of PS. Case No.-90 Year-2017 Thana- NIMACHANDPURA District- Begusarai

1. Sunil Kumar @ Moti Maharaj @ Sunil Maharaj, Son of Late Rajendra Maharaj, Resident of Village - Ward No.01, Chandpura, P.S.- Neema Chandpura, Distt.- Begusarai.
2. Ambikesh Maharaj@ Ambikesh Kumar, Son of Sunil Kumar @ Moti Maharaj Resident of Village - Ward No.01, Chandpura, P.S.- Neema Chandpura, Distt.- Begusarai.
3. Kamlesh Maharaj @ Kamlesh Kumar, Son of Sunil Kumar @ Moti Maharaj Resident of Village - Ward No.01, Chandpura, P.S.- Neema Chandpura, Distt.- Begusarai.
4. Radhekesh Maharaj @ Radhekesh Kumar, Son of Sunil Kumar @ Moti Maharaj Resident of Village - Ward No.01, Chandpura, P.S.- Neema Chandpura, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal
For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
Neema Chandpura P.S. Case No.90 of 2017, registered for the
offence punishable under Sections 341, 323, 325, 386, 504 and
34 of the Indian Penal Code.

The allegation against the petitioners is that
petitioners demanded a sum of Rs.2 lakhs from the informant



allegedly spent by the petitioners in the litigation with the informant. It has further been alleged that petitioner No.1 attempted to assault the informant by means of rod which hit one Ajay Kumar and petitioner No.2 attempted to assault the informant.

Mr. S. K. Lal, learned counsel appearing for the petitioners submits that both the parties are agnates and co-sharer. Learned counsel further submits that there is case and counter case inasmuch as Nima Chandpura P.S. Case No.88 of 2017 has been lodged by the petitioner No.1 against the informant and others which has been annexed as Annexure-2 to this application. Learned counsel further submits that police after investigation submitted charge-sheet only against petitioner No.1 in bailable section and not under Section 386, however, the learned Magistrate has differed with the police report and has taken cognizance against all the petitioners under the offence registered in the first information report including Section 386.

After having heard learned counsel for the parties and taking into consideration the fact that both the parties are agnates and co-sharer and there is case and counter case between them and police after investigation has submitted



chargesheet against petitioner No.1 only under bailable section,
I am inclined to grant anticipatory bail to the petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 2nd Class, Begusarai, in connection with Neema Chandpura P.S. Case No.90 of 2017, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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