

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86511 of 2019**

Arising Out of PS. Case No.-272 Year-2019 Thana- UCHKAGAON District- Gopalganj

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1. Manish Kumar Srivastava S/o Late Rama Shankar Prasad Srivastava
 2. Binod Prasad Srivastava S/o Late Jhulan Prasad
 3. Rakesh Srivastava S/o Late Jhulan Prasad
 4. Guddu Srivastava @ Basant S/o Late Jhulan Prasad
 5. Pankaj Srivastava S/o Late Jhulan Prasad
 6. Ajit Srivastava S/o Rakesh Srivastava
 7. Binay Srivastava S/o Binod Srivastava
 8. Akhilesh Srivastava S/o Late Manoj Srivastava
 9. Soni Kumari D/o Binod Kumar Srivastava
 10. Nikki Kumari D/o Late Jhulan Prasad
- All residents of village- Brahmain, P.S.- Uchakagaon, District- Gopalganj
... .. Petitioner/s
- Versus
- THE STATE OF BIHAR Bihar
- Opposite Party/s
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Appearance :

For the Petitioner/s : M/s Siya Ram Sahi and Shally Kumari
For the Opposite Party/s : Mr.Gauri Shankar Gupta

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 13-02-2020 Heard learned counsel appearing for the petitioners

as well as learned Additional Public Prosecutor for the State as

well as learned counsel appearing for informant.

At the very out set, it is pointed out that petitioner No.

1, namely, Manish Kumar Srivastava, has already been arrested

and his prayer for anticipatory bail has become infructuous.

In view of the aforesaid submission, prayer for

anticipatory bail of petitioner No. 1, namely, Manish Kumar

Srivastava, stands dismissed being infructuous.



Petitioner Nos. 2 to 10 apprehend their arrest in connection with Uchakagaon P.S. Case No. 272/2019 registered for the offences punishable under Sections 341/323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

Learned counsel appearing for petitioner Nos. 2 to 10 submits that the first information report reveals that the alleged occurrence took place on account of land dispute and, moreover, except Sections 307 and 379 of the Indian Penal Code, almost all the Sections are bailable in nature. He, further, submits that so far as Section 307 of the Indian Penal Code is concerned, the same is not applicable in the facts and circumstances of the case because both the injuries of the injured are simple in nature said to be caused by hard and blunt substance and so far as Section 379 of the Indian Penal Code is concerned, the same is superficial.

On the other hand, learned counsel appearing for informant opposed the prayer submitting that prior to alleged occurrence, informant had given an information to concerned police station against the petitioners but in spite of that petitioners committed alleged occurrence.

Considering the aforesaid facts and circumstances as well as submissions of the parties, particularly, taking into consideration the nature of injuries as well as allegation levelled



against the petitioner Nos. 2 to 10, the petitioner No. 2, namely, Binod Prasad Srivastava, petitioner No. 3, namely, Rakesh Srivastava, petitioner No. 4, namely, Guddu Srivastava @ Basant, petitioner No. 5, namely, Pankaj Srivastava, petitioner No. 6, namely, Ajit Srivastava, petitioner No. 7 Binay Srivastava, petitioner No. 8, namely, Akhilesh Srivastava, petitioner No. 9, namely, Soni Kumari and petitioner No. 10, namely, Nikki Kumari, are admitted to anticipatory bail and, accordingly, they, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall 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 learned Additional Chief Judicial Magistrate IX, Gopalganj in connection with Uchakagaon P.S. Case No. 272 of 2019 subject to conditions as laid down under Section 438(2) of the Cr.P.C..

(Hemant Kumar Srivastava, J)

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