

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21208 of 2021

Arising Out of PS. Case No.-56 Year-2020 Thana- CHANDAN District- Banka

1. SARFUDDIN MIYAN S/o Late Sakur Miyan R/o village- Manjhla, Tilha, P.S.- Chandan (Anandpur), District- Banka
2. Birju Miyan S/o Late Sakur Miyan R/o village- Manjhla, Tilha, P.S.- Chandan (Anandpur), District- Banka
3. Jabir Miyan S/o Birju Miyan R/o village- Manjhla, Tilha, P.S.- Chandan (Anandpur), District- Banka
4. Bablu MIyan S/o Ulfat Miyan R/o village- Manjhla, Tilha, P.S.- Chandan (Anandpur), District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.A.PP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-12-2021 At the outset, it is submitted by learned counsel for the petitioners that he seeks permission to withdraw this application against petitioner no. 2.

Permission is granted.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner no.2.

Now learned counsel for the petitioner is pressing this application against petitioner nos. 1, 3 and 4.

Heard learned counsel for the petitioners and learned APP for the State.



Learned counsel for the petitioners is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Chandan (Anandpur) P.S. Case no. 56 of 2020 instituted for the offence under Sections 341, 447, 324, 307, 504, 506 and 34 of the Indian Penal Code.

The prosecution case relates to assault to the informant by the petitioners over a trivial dispute relating to partition of ancestral land.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has falsely been implicated in this case. Both parties are own agnate. General and omnibus allegations have been levelled against the petitioner. As per injury report total four injuries were received by the informant, out of which three are simple in nature and one is grievous but on non-vital part, which are inflicted by co-accused Ulfat Miyan. An old land dispute is pending between the parties.

Learned APP appearing for the State has opposed the prayer of Bail.



Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners no. 1, 3 and 4 on bail. The petitioners nos. 1, 3 and 4 are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Chandan (Anandpur) P.S. Case no. 56 of 2020, 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 learned ACJM-IV, Banka subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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