

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29960 of 2020

Arising Out of PS. Case No.-459 Year-2020 Thana- AHYAPUR District- Muzaffarpur

1. SURESH BHAGAT Son of Harihar Bahagat Resident of Village - Bhikhanpur, P.S. - Ahiyapur, District - Muzaffarpur.
2. Ramlal Bhagat Son of Ramashish Bhagat Resident of Village - Minapur, P.S. - Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Ms.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-01-2021 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Ahiyapur Police Station Case No. 459 of 2020, disclosing offence under Sections 323/341/354-B/379/504/506/34 of the Indian Penal Code.

The allegation, as per the First Information Report, is that the petitioners, along with 8-10 unknown, assaulted the informant and outraged her modesty and also snatched Mangal Sutra from the neck of the informant.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land



dispute. He further submits that from perusal of the First Information Report, it would be evident that no specific allegation is there against the petitioners and the allegations against them are general and omnibus in nature. He further submits that no serious injury has been caused to the informant and both the parties are close-door neighbours. He, referring to Annexure 2, submits that the daughter of petitioner no. 1 has lodged a complaint case against the informant and others, alleging that the accused persons therein including the present informant assaulted the petitioner no. 1, outraged the modesty of wife of petitioner no. 1 and also assaulted the daughter of petitioner no. 1, who was pregnant, causing damage to her foetus.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record and the fact that both the parties are close door neighbours, there is land dispute between them, there is case and counter case and no serious injury has been brought on record by the prosecution caused to the informant, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their



arrest or surrender before the Court below within a period of four weeks from today, 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 Chief Judicial Magistrate, Muzaffarpur, in connection with Ahiyapur Police Station Case No. 459 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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