

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.9629 of 2021

Arising Out of PS. Case No.-249 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

1. HULAS RAI, aged about 60 years, Sex-Male, Son of Chamaru Rai.
2. MAHESH RAI ALIAS MAHESH KUMAR, aged about 38 years, Sex-Male, Son of Hulas Rai.
Both resident of Village - Dighi Kala Khurd (Purvi), P.S. - Hajipur Sadar, District - Vaishali at Hajipur.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Anish Chandra, Advocate
For the Opposite Party : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

2 07-12-2021

Heard learned counsel for the parties.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This application for anticipatory bail arises out of Hajipur Sadar P.S. Case No. 249 of 2020 for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 337, 504 and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

Allegation has been made that the petitioners tried to capture the land of the informant and they have assaulted the prosecution side causing injuries.

Learned counsel for the petitioners has submitted that there is case and counter case from both the sides and accused side has also sustained injury.

In the opinion of this Court if the petitioners were



aggressors of the land, the informant has every right to defend his property and life and therefore, any injury sustained by the accused side will not help the petitioners.

In such circumstances, this is not a fit case for grant anticipatory bail to the petitioners. Accordingly, this bail application is dismissed.

The petitioners are directed to surrender before the Court below within a period of four weeks from today. If they do not surrender within the aforesaid period of four weeks then the Superintendent of Police, Vaishali, shall take all coercive steps to arrest the petitioners within next one week and send a report in this regard before this Court.

If the petitioners surrender within the aforesaid period of four weeks and pray for regular bail, the Court below shall consider and decide the same on its own merits without being influenced by the order of this Court.

Let a copy of this order be sent to the Superintendent of Police, Vaishali through FAX or e-mail.

(Sandeep Kumar, J)

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