

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39808 of 2022

Arising Out of PS. Case No.-425 Year-2020 Thana- SAHARSA SADAR District- Saharsa

1. MITHILESH KUMAR Son of Triveni Yadav Resident of Village - Dhamsaini, P.s.- Saharsa, Distt.- Saharsa.
2. Amilesh Kumar Son of Triveni Yadav Resident of Village - Dhamsaini, P.s.- Saharsa, Distt.- Saharsa.
3. Prince Kumar Son of Ramotar Yadav Resident of Village - Dhamsaini, P.s.- Saharsa, Distt.- Saharsa.
4. Triveni Yadav Son of Late Anant Yadav Resident of Village - Dhamsaini, P.s.- Saharsa, Distt.- Saharsa.
5. Ramotar Yadav Son of late Anant Yadav Resident of Village - Dhamsaini, P.s.- Saharsa, Distt.- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-11-2022

Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence under Section 307 & other allied sections of the Indian Penal Code.

As per F.I.R., while the informant was on his way to home, these petitioners came there and surrounded him and thereafter, started assaulting him. It is further alleged that on the order of petitioner no. 4, petitioner no. 1 and petitioner no. 2 gave knife blow injury on the chest of informant, whereas petitioner no. 3 snatched gold chain from the neck of informant.



It is submitted on behalf of petitioners that due to land dispute between the parties, a simple *Maarpit* took place. There is general and omnibus allegation. So far as petitioner no. 3, 4 & 5 are concerned, there is no specific allegation of assault against them. Petitioners have got clean antecedent.

Considering the fact that there is specific allegation against petitioner no. 1 & 2 that they gave knife blow to the informant, the prayer for anticipatory bail of petitioner no. 1 & 2 is refused.

So far as prayer for anticipatory bail of remaining petitioner i.e. petitioner no. 3, 4 & 5, as named above, is concerned, in the event of their arrest/surrender within a period of six weeks from today, they are directed to be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa in connection with Saharsa Sadar P.S. Case No. 425 of 2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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