

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29335 of 2023

Arising Out of PS. Case No.-266 Year-2021 Thana- PARBATTa District- Khagaria

1. Dukho Devi Wife Of Mrityunjay Singh Village Srirampur Thuthi, Post Office Temtha, Police Station- Parbatta, District- Khagaria
2. Ritesh Kumar Son Of Mrityunjay Singh Village Srirampur Thuthi, Post Office Temtha, Police Station- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and the learned Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioners are apprehending their arrest in connection with Parbatta P.S. Case No. 266/ 2021 registered for the offence punishable under Sections 341, 323, 307, 379, 504, 447, 34 of the Indian Penal Code (for brevity 'IPC').

3. There is allegation that the instant petitioners along with other members of their family have, with the intention of asserting their rights on certain lands, indiscriminately assaulted the prosecution party.

4. Learned counsel for the petitioners submits that during investigation, the petitioners were not sent up for trial, as the



case was not found sustainable by the material in the investigation. It is further submitted that falsity of the allegation is evident from the First Information Report (for brevity 'F.I.R.'), wherein allegations of assault, one (1) month prior to the alleged occurrence have been narrated. The parties are neighbours. Petitioners' have no criminal antecedents. There is simple injury sustained on the date of allegation, and with respect to allegations of one (1) months prior to the incident, there is no injury report.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Having regard to the submissions advanced by the petitioners' counsel, nature of allegations and material during investigation, in which the petitioner's were not sent up for trial, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

7. Accordingly, 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 Additional Chief Judicial Magistrate, Khagaria, in



connection with Parbatta P.S. Case No. 266/2022, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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