

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54596 of 2023

Arising Out of PS. Case No.-116 Year-2021 Thana- PAHARPUR District- East Champaran

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1. Priti Kumari @ Priti Shrivastav @ Priti Devi Anil Kumar @ Anil Shrivastava Resident of Village - Ganga Pipra, P.O. - Manguraha, P.S. - Paharpur, District - East Champaran
 2. Anil Kumar @ Anil Shrivastava Son Of Ramchandra Prasad @ Ram Chandra Prasad Resident of Village - Ganga Pipra, P.O. - Manguraha, P.S. - Paharpur, District - East Champaran
- Petitioner/s

Versus

1. The State of Bihar Patna
 2. Ramchandra Prasad Resident of Village - Ganga Pipra, P.O. - Manguraha, P.S. - Paharpur, District - East Champaran
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-08-2023 Heard Mr. Jagjit Roshan, learned counsel appearing on behalf of the petitioners and Mr. Akhileshwar Dayal, learned APP appearing on behalf of the State.

2. The petitioners apprehends their arrest in connection with Paharpur P.S. Case No. 116 of 2021 registered under Sections 341, 323, 308, 504 and 34 of the Indian Penal Code.

3. The prosecution story, in brief, is that both the petitioners entered into the room of the wife of the informant with intention to kill her.

4. Learned counsel appearing on behalf of the petitioners submits that petitioner no. 1 is daughter-in-law and

petitioner no. 2 is the son of the informant. The dispute is with respect to distribution of land and house between the parties. The father of the petitioner no. 2 is alleged to be under influence of petitioner no. 2's elder brother and tried to dispossess the petitioners from the ancestral house which lead to the filing of the F.I.R. by the wife of the petitioner no. 2 against the father and the elder brother of her husband three days prior to the filing of the present F.I.R. Learned counsel further submits that petitioners have clean antecedent. Both the parties, in the meantime, during the pendency of the present bail application are trying to compromise and are willing to resolve the dispute amicably.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the nature of allegation as well as the fact that the dispute relates to distribution of share in the house as well as the land where the house has been constructed. Petitioner no. 1 has already lodged F.I.R. against the informant three days prior to the filing of the present F.I.R. The petitioners have clean antecedent. In above view of the matter, the petitioners have made out a, *prima facie*, case to be released on

anticipatory bail.

7. Court below is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned A.C.J.M-11, East Champaran, Motihari in connection with Paharpur P.S. Case No. 116 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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