

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15989 of 2024

Arising Out of PS. Case No.-245 Year-2023 Thana- KHARIK District- Bhagalpur

1. Shanti Devi W/o Vinod Kumar R/o vill - Dhruvganj, P.S. - Kharik, Distt. - Bhagalpur
2. Pinku Kumar S/o Vinod Kumar R/o vill - Dhruvganj, P.S. - Kharik, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-03-2024 Heard Mr. Amrendra Kumar, learned counsel

 appearing on behalf of the petitioners and Mr. Zainul Abedin,

 learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Kharik P.S. Case No. 245 of 2023, registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

3. It is alleged that while the informant and his brother were coming from temple in the mean time, all the FIR named accused persons including the petitioners caught hold them and started assaulting with fist and slap. The specific allegation has been leveled against co-accused Vinod Kumar that he gave



repeated knife blow on the informant's brother with intention to kill him.

4. Learned counsel appearing on behalf of the petitioners submits that from the narrations made in the FIR it appears that specific allegation has been leveled against co-accused Vinod Kumar and so far the petitioners are concerned, barring the allegation that they have also assaulted the informant and his brother by fist and slap, there is no allegation as such. Moreover, during the course of investigation no cogent material has come and, as such, the petitioners have not been sent up for trial however differing with the final report the learned Jurisdictional Court has taken cognizance for the offences as alleged in the FIR, necessitating the petitioners to file the present anticipatory bail. Learned counsel for the petitioners next submitted that admittedly there is a land dispute, giving rise to Title Suit no. 3 of 2020 pending before the Sub Judge 1st, Naugachia apart from the land dispute case no. 55 of 2022 pending between the parties in the Court of DCLR, Naugachia. It is lastly submitted that the petitioners have absolutely fair antecedent and they undertake that they will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State



opposed the pre-arrest bail application and submits that the petitioners have actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners have not been sent up for trial and differing with the final report the learned Jurisdictional Court has taken cognizance of the offences alleged, coupled with the fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st Naugachia, Bhagalpur in connection with Kharik P.S. Case No. 245 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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