

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56484 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- SHAHKUND District- Bhagalpur

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1. Balmiki Tanti S/O Late Ghanshyam Tanti R/O Village- Mohanpur, P.S- Sajour, Distt.- Bhagalpur.
 2. Amit Tanti S/O Balmiki Tanti R/O Village- Mohanpur, P.S- Sajour, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Shahkund (Sajour) P.S. Case No. 07 of 2024, registered for the alleged offence under Sections 341, 323, 308, 448/34 of the Indian Penal Code and Section 3/4 of Witch Practices Act.

03. As per prosecution case, petitioners and other co-accused persons assaulted the informant and his wife after entering into his house.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Learned counsel further submits that the petitioner no. 1 and



the informant are brothers and there is land dispute between them. The true fact of the case is that the informant and his family members entered into the house of the petitioners and assaulted them with *lathi*, *danda* and *khanti* and Shakhund (Sajour OP) P.S. Case No. 05 of 2024 has been registered against the informant's side under Sections 341, 323, 325, 354/34 of IPC with similar allegation. Learned counsel further submits that no injury report has been brought on record to prove the case of informant itself. There is antecedent of one case of the petitioners but the said case was also lodged by the informant's side, in which the petitioners are on bail.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the relationship of the parties and the background of land dispute and earlier case of the petitioners and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with



Shahkund (Sajour) P.S. Case No. 122 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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