

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57396 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- BALIA BELON District- Katihar

1. Mangana Roy Son Of Late Tepala Roy R/V- Sihroll, P.S.- Balia Bellon, Distt.- Katihar
2. Sukru Roy Son Of Late Tepla Roy R/V- Sihroll, P.S.- Balia Bellon, Distt.- Katihar
3. Babul Roy Son Of Late Tepla Roy R/V- Sihroll, P.S.- Balia Bellon, Distt.- Katihar
4. Budhiya Devi Wife Of Kaul Roy R/V- Sihroll, P.S.- Balia Bellon, Distt.- Katihar
5. Radha Devi Wife Of Mangna Roy R/V- Sihroll, P.S.- Balia Bellon, Distt.- Katihar
6. Peela Devi Wife Of Sukru Roy R/V- Sihroll, P.S.- Balia Bellon, Distt.- Katihar
7. Moyanee Devi Wife Of Babul Roy R/V- Sihroll, P.S.- Balia Bellon, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghvendra Kumar Singh, Adv.
For the State	:	Mr. Vinod Shanker Modi, APP
For the Informant	:	Mr. Najeeb Ahmad, Adv.
		Mr. Thakur Brajesh Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant.

2. Learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner no. 1 submitting that during pendency of this application the petitioner no. 1 has already been apprehended by the police.

3. Permission is granted.



4. Accordingly, this application with regard to petitioner no. 1 is dismissed as withdrawn.

5. Now, this application is being heard only with regard to petitioners no. 2, 3, 4, 5, 6 and 7.

6. Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

7. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504, 506/34 and 302 of the Indian Penal Code.

8. As per the prosecution case, the petitioners are said to have assaulted one Sotish Rai, the father of the informant with kicks, fists, *lathi* and dagger due to which he sustained injuries and during course of treatment he succumbed his injuries.

9. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioners. He further submits that there is admitted land dispute between the parties. Petitioners have no criminal antecedent as mentioned in para-3 of this application.



10. Learned counsel for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail and submitted that the petitioners are also involved in the present case.

11. Having regard to the facts and circumstances of the case, let the above named petitioner no.4, 5, 6 and 7, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Balia Belon P.S. Case No. 36 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

12. Considering the facts and circumstances of case, I am not inclined to enlarge petitioners no. 2 and 3 on anticipatory bail. The prayer for anticipatory bail of the petitioners no. 2 and 3 is hereby rejected.

13. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

