

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28371 of 2015

Arising Out of PS.Case No. -100 Year- 2012 Thana -THAKRAHA District-
WESTCHAMPARAN(BETTIAH)

=====

1. Lالباحادر Kushwaha S/o Hardeo Kushwaha
2. Vivek Kushwaha @ Vivek Kumar S/o Tufani Kushwaha Both residents
of Village - Bihani, P.S. - Bhitaha (Thakaraha), District - West Champaran.
..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Md. Ansarul Haque(App)

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 23-07-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 341, 323, 307, 325, 447, 302 and 504 of the Indian Penal Code though initially the case was not registered under section 302 of the IPC.

There was specific accusation that Tufani Mahto and his sons Hardeo Mahto, Swaminath Mahto and Sachit Mahto came at the door of the informant having armed with Lathi, Bhala, Parsa and started assaulting him and when the villagers came, they escaped from the scene.

It is submitted by the learned counsel for the petitioners that the petitioners were not named in the FIR not their names transpired during the course of investigation. During the trial of

FIR named accused persons, on the basis of evidence of witnesses, the petitioners have been summoned under Section 319 of the Cr. P.C. vide order dated 15.10.2014 passed by learned 3rd Additional Sessions Judge.

Considering the aforesaid facts and the fact that the petitioners were made accused during trial and have been summoned in exercise of power u/s 319 Cr. P.C., let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve 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 3rd Additional Sessions Judge, Bagaha, West Champaran in connection with S. Tr. No. 695/12 arising out of Thakaraha (Bhitaha) P.S. Case No. 100/2012 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Learned court below shall be at liberty to cancel the bail bonds of the petitioners in case the petitioners default, without any reasonable cause, on three consecutive occasions.

(Dinesh Kumar Singh, J)

BKS/-

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