

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43976 of 2014

Arising Out of PS.Case No. -47 Year- 2014 Thana -PAHARPUR District- EAST CHAMPARAN
(MOTIHARI)

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1. Ramashish Prasad, Son of Mogal Prasad
2. Nandlal Prasad, Son of Ramashish Prasad
3. Guddu Prasad @ Guddu Kumar, Son of Ramashish Prasad
4. Bikas Prasad, Son of Hiranman Prasad
5. Hiranman Prasad, Son of Late Laxmi Prasad
6. Sonalal Prasad, Son of Ramashish Prasad

All are the resident of Village - Satha Kachhari Tola, P.S. - Paharpur,
District - East Champaran. Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar Verma, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

7 19-08-2015

Heard learned counsel for the petitioners and learned

APP for the State.

At the outset, it is submitted that during pendency of
the application petitioner no. 1 Ramashish Prasad had already
been arrested.

In that view of the matter, the application for
anticipatory bail as far as petitioner no. 1 Ramashish Prasad is
concerned, is disposed of as infructuous.

The other petitioners seek anticipatory bail in

connection with Paharpur P.S. Case No. 47 of 2014 registered under Sections 341, 323, 302, 147, 148, 149, 504 and 506 of the Indian Penal Code.

It is contended that though there is general and omnibus allegation against altogether 14 accused including six petitioners of the present case that they being variously armed with *lathi & danda* indiscriminately assaulted husband of the informant, the post mortem report would reflect that the deceased sustained only one lacerated wound on the right side of her neck measuring 1" x ½" muscle deep.

It is contended that apparently the allegations are false and the entire family members have been implicated in the case due to a dispute which arose between children of the family members of both the parties.

Learned APP for the State concedes that in the post mortem report only one injury could be noticed on the person of the deceased.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioners, namely, (1) Nandlal Prasad, (2) Guddu Prasad @ Guddu Kumar, (3) Bikas Prasad, (4) Hiranman Prasad and (5) Sonalal Prasad, are

directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial magistrate-1st Class, East Champaran at Motihari in connection with Paharpur P.S. Case No. 47 of 2014 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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