

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43531 of 2014

Arising Out of PS.Case No. -399 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Gopal Prasad,
2. Manoj Prasad,
3. Sanjay Prasad @ Sanjay Kumar,
4. Kanhaiya Prasad @ Kanhaia Sah
All sons of - Late Shrawan Sah
5. Devendra Sah @ Devender Pd. Sah @ Devendra Prasad, Son of late Ram
Nath Sah.
All resident of Village- Bhagwanpur Chakshekhu, Ward No. 4, Nagar
Panchayat Dalsinghsarai, P.S.- Dalsinghsarai, Dsitric- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Shanker Prasad, Advocate.

For the O.P./s : Mr. Anil Kumar Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 10-04-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against
the petitioners for offence under Sections 147, 323, 384 and
447/34 of the Indian Penal Code and the fact that the petitioners
have got no criminal antecedent and the complaint case has been
filed after seven days of the alleged occurrence and that too in
relation to out and out a civil dispute, this Court would find the
petitioners entitled for privilege of anticipatory bail.

That being so, if the petitioner nos. 1 to 5, namely,
Gopal Prasad, Manoj Prasad, Sanjay Prasad @ Sanjay Kumar,



Kanhaiya Prasad @ Kanhaia Sah and Devendra Sah @ Devender Pd. Sah @ Devendra Prasad, surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount to the satisfaction of the learned Judicial Magistrate, 1st Class, Dalsinghsarai (Samastipur) in connection with Complaint Case No. 399 of 2014, subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the addresses of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to

initiate the proceeding for cancellation of their bail on the ground of misuse.

(iv) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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