

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46961 of 2015

Arising Out of PS. Case No. -167 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN (MOTIHARI)

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1. Shatrudhan Prasad Son of Gagandeo Prasad
2. Nagendra Prasad @ Gorakh Prasad Son of Sakichandra Prasad
3. Lakhindra Prasad Son of Sakichandra Prasad
4. Kishroe Prasad Son of Sakichandra Prasad
All residents of Village Dhekahan, Laxman Tola, P.S.-Motihari Muffasil,
District East Champaran at Motihari

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Dr. Amarendra Kumar,
Mr. Ravi Shanker Pankaj, Advocates
For the State : Mr. Rajendra Pd. Nat, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 30-10-2015 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 341, 323, 324, 307 and 379 of the Indian Penal Code registered in connection with Motihari Muffasil P.S. Case No. 167 of 2015.

3. It is submitted that the petitioners have been falsely implicated being Pattidars of the informant's side. Even according to the averments in the first information report, no assault whatsoever has been attributed to petitioner nos. 1, 2 and 4. It is submitted that the injury resulting from the assault attributed to

petitioner no.3 is simple in nature.

4. Considering that there is direct allegation against the petitioner no.3 (Lakhindra Prasad) of committing assault on the head of the informant with *Chhura*, this Court is not inclined to grant privilege of anticipatory bail to him. The bail petition stands dismissed so far as petitioner no. 3 is concerned.

5. As regards petitioner nos. 1, 2 and 4, namely, Shatrudhan Prasad, Nagendra Prasad @ Gorakh Prasad and Kishore Prasad, in absence of any allegation of assault having been made, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar at Motihari, East Champaran in connection with Motihari Muffasil P.S. Case No. 167 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vikash Jain, J)

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