

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43526 of 2014

Arising Out of PS.Case No. -42 Year- 2014 Thana -PUSA District- SAMASTIPUR

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(1) Ashok Kumar Sharma, Son of Ram Chandra Sharma
(2) Amresh Rai @ Amresh Kumar Rai, Son of Late Rajdeo Rai
(3) Krishna Kant Rai, Son of Chandeshwar RAI
(4) Sri Ram Kumar, Son of Gauri Shankar Rai @ Tinku
(5) Ram Prasad Rai, Son of Biahro Rai
(6) Rajan Kumar, Son of Umesh Chandra RAI
(7) Rajnish Kumar, Son of Braj Kishore Rai
(8) Baidyanath Rai @ Baijnath Rai, son of late Maheshwar Rai
(9) Ramesh Chandra Rai, Son of Bhola Rai
(10) Umesh Chandra Rai son of late Maheshwar Rai,
All are resident of village- Malikaur, P.S.- Pusa, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay, Advocate.

For the O.P/s : Mr. Ram Shankar Das(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 10-04-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Sections 114, 147, 148, 149, 150, 151, 152, 307, 308, 323, 332, 333, 341, 342, 347, 353, 379, 504, and 506 of the Indian Penal Code and Section 3(1)(x) and 3(1)(ii) & 3(1)(iii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, while this Court keeping into account the antecedent of the petitioners, except petitioner no. 8, have no any criminal antecedent and that a large number of persons were said to have caused obstructions in the way of police

in exercising of their official power and duty, but the police failed to take any action against them or any particular person at the spur of the moment, save and except, mere filing of the F.I.R., it would be inclined to give privilege of anticipatory bail to the petitioners, except petitioner no. 8.

That being so, if the petitioners, namely, (1) Ashok Kumar Sharma, (2) Amresh Rai @ Amresh Kumar Rai (3) Krishna Kant Rai, (4) Sri Ram Kumar, (5) Ram Prasad Rai, (6) Rajan Kumar, (7) Rajnish Kumar, (9) Ramesh Chandra Rai and (10) Umesh Chandra Rai, 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 Chief Judicial Magistrate, Samastipur in connection with Pusa P.S.Case No. 42 of 2014 subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioners to 1 to 7, 9 and 10, who will undertake an affidavit giving genealogy as to how they are related with the aforesaid petitioners. The bailors will also undertake to inform the court if there is any change in the addresses of the aforesaid petitioners.
- (ii) That the affidavit shall clearly state that the

aforesaid 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 aforesaid 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 aforesaid 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.

The privilege of anticipatory bail to the petitioner no. 8, however, will not be available on account of his having criminal antecedent and, therefore, he may surrender and make prayer for regular bail which shall be disposed of on its own merit.

With the aforesaid observation and direction this application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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