

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46359 of 2015**

Arising Out of PS.Case No. -50 Year- 2015 Thana -GOPALPUR District-  
WESTCHAMPARAN(BETTIAH)

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1. Raju Sah,  
2. Ranjan Sah,  
3. Tunna Sah All three sons of Doctor Sah,  
4. Sushila Kuwar @ Sonila Kuwar wife of Doctor Sah, All four are resident  
of Maheshpur, P.S. Gopalpur, District- West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**  
**ORAL ORDER**

2 15-10-2015

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in Gopalpur P.S. case No.50 of 2015 registered under Sections 147, 148, 149, 323, 324, 307, 380, 302 of the Indian Penal Code, pending before the court of Sri Wasim Akaram Khan, J.M. 1<sup>st</sup> class, Bettiah.

Considering that there is allegation against the Petitioners No.2 and 3 of having assaulted the deceased, I am not inclined to extend the privilege of anticipatory bail to them.

Prayer for anticipatory bail of Petitioners No.2 and 3 is rejected.



As for Petitioners No.1 and 4, since there is no specific overt act alleged against them, let the petitioners No.1 and 4 above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of four weeks from the date of receipt of this order in connection with Gopalpur P.S. case No.50 of 2015 on furnishing bail bonds of Rs.5,000/- (five thousand) each with two sureties of the like amount each to the satisfaction of Sri Wasim Akaram, J.M. 1<sup>st</sup> class, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as also conditions (i) That one of the bailor will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will undertake to furnish information to the Court about any change in address of the petitioners, (ii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are they shall not be released on bail, (iii) That the bailor shall also state on affidavit that he 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 bail on ground of misuse, (iv) That the petitioners will give an undertaking that they

will receive the police papers on the given date and be present on date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse, (v) That the petitioners will be well represented on each date if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

**(Anjana Prakash, J)**

Narendra/-

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