

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43211 of 2014

Arising Out of PS.Case No. -1058 Year- 2012 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

- =====
1. Arun Kumar Sahi @ Arun Sahi Son of Kedar Sahi
 2. Raj Ballam Prasad Sahi @ Ram Ballam Shahi Son of Late Ambika Prasad Sahi
 3. Ram Kumar Shahi Son of Raj Balav Prasad Shahi
 4. Ram Sewak Sahi @ Ram Sevak Shahi Son of Raj Ballam Prasad Shahi
- All are the resident of Village - Sahatha, Police Station - Bhagwanpur,
District - Vaishali (B)

.... Petitioner/s

Versus

1. The State of Bihar
2. Anand Kumar Pandey Son of Chaturbhuj Pandey, Resident of Vill. Sahatha, PO Bhagwanpur, PS Bhagwanpur, Dist. Vaishali (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Purushotam Sharma
For the Opposite Party/s : Mr. Madhuranand Jha, APP
For the Informant : Mr. Manish Chandra Gandhi

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 30-07-2015 The petitioners figured as accused in Complaint Case No. 1058 of 2012 on the file of Chief Judicial Magistrate, Vaishali at Hajipur, wherein offences punishable under Sections 323, 341, 307/34 of the Indian Penal Code were alleged.

Apprehending their arrest, the petitioners filed ABP No. 1510 of 2014 in the court of Sessions Judge, Vaishali at Hajipur. The same was rejected through order dated 25.8.2014.

Hence this application.

Heard learned counsel for the petitioner, learned A.P.P. and learned counsel for the informant.

It is no doubt true that the criminal writ petition filed by the petitioner for quashing the proceedings was rejected. The facts however remain that after completion of the investigation, the Police filed final report mentioning that the allegations against the petitioners are not true. Though it is competent for the Chief Judicial Magistrate to differ with the same, the said fact in no way be taken into account in the context of granting anticipatory bail.

Hence this application is allowed.

It is directed that in the event of their arrest or surrender, the petitioners shall be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Shri Anand Abhishek, Judicial Magistrate 1st Class, Hajipur, Vaishali, in connection with Complaint Case No. 1058 of 2012, subject to the conditions as laid down under Section 438(2) CrPC.

(L. Narasimha Reddy,CJ)

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