

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9554 of 2015

Arising Out of PS.Case No. -51 Year- 2014 Thana -DHURAIYA District- BANKA

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1. Pyare Lal Mahto @ Pyarelel Mahto son of Vakil Mahto
 2. Prabhash Kamti @ Kailash Kamti son of Late Baleshwar Kamti Both resident of village - Motanga, Police Station - Dhoriya, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sita Ram Yadav

For the Opposite Party/s : Mr. Raj Kishore Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-04-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341 and 307/34 of the Indian Penal Code and sections 25(1-B)a 26 and 35 of the Arms Act.

It is alleged that three persons riding on the motorcycle came and surrounded the informant when petitioner no. 2 ordered to kill him and fired but no injury was caused to the informant. In the meantime, villagers reached to the place of occurrence and caught one Prabhash Kamti but the petitioners escaped from the scene.

One Chhathi Rai Sharma was apprehended by the villagers from whose possession one country made musket and the motorcycle were recovered.

It is submitted by the learned counsel for the petitioners that nothing was recovered from the possession of the petitioners and during investigation the accusation was found suspicious. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent. It is further submitted that no motive has been alleged in the FIR.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Banka in connection with Dhoraiya P.S. Case No. 51 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners will be accepted on filing of an affidavit by the petitioners before the learned court below that they will regularly cooperate



in the investigation. The said affidavit will be transmitted by the learned court below to the concerned I.O. Non cooperation in investigation by the petitioners will give liberty to prosecution to file application for cancellation of bail bond by learned court below.

(Dinesh Kumar Singh, J)

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