

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21391 of 2015

Arising Out of PS.Case No. -442 Year- 2014 Thana -SAUR BAZAR District- SAHARSA

- =====
1. Turanti Das son of Late Jago Das null
 2. Babu Das @ Babu Lal Das @ Babbi Das @ Babbu Das
 3. Naresh Das
 4. Dhirendra Das
All sons of Turanti Das
 5. Urmila Devi wife of Naresh Das
 6. Mala Devi wife of Late Bachan Dev Das
 7. Geeta Devi daughter of Turanti Das
 8. Soni Devi wife of Dhirendra Das
All residents of Village- Ghoghanpatti, P.S. Sour Bazar (Patarghat O.P),
District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma

For the Opposite Party/s : Mr. Md. Arif (APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 20-08-2015 Heard learned counsel for the parties including counsel
for the informant.

Having regard to the nature of allegation for offence under Section 147, 149, 341, 323, 324, 307, 504 of the Indian Penal Code which later on became Section 302 of the Indian Penal Code on account of death of the deceased after almost two months of sustaining injury, this Court, keeping in view of the allegation made in the First Information Report as against the petitioner no.1 to have assaulted the deceased with spade (Kudal) on his head

which is also found substantiated in the postmortem report, this Court will not be inclined to grant privilege of anticipatory bail to the petitioner no.1, namely, Turanti Das and his prayer for anticipatory bail is, accordingly, rejected.

The rest of the accused petitioner nos. 2 to 8 against whom there was an omnibus allegation of assault and who have also no criminal antecedent, would be entitled for privilege of grant of anticipatory bail and, as such, this Court would direct the petitioners, namely, 2. Babu Das @ Babu Lal Das @ Babbi Das @ Babbu Das, 3. Naresh Das, 4. Dhirendra Das, 5. Urmila Devi, 6. Mala Devi, 7. Geeta Devi and 8. Soni Devi to surrender before the court below within a period of four weeks from today and, if they do so, they will be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saharsa in connection with Sour Bazar (Patarghat O.P.) P.S. Case No. 442 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That the court below shall make verification of criminal antecedent of the petitioner nos. 2 to 8 and if it is found that they are accused in any other criminal case, they shall not

be granted bail and would be taken into custody.

- (ii) That both the bailors will be a close relative of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (iii) 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.
- (iv) That the bailors shall also state on affidavit that they 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 the ground of misuse.
- (v) That the 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.

(Mihir Kumar Jha, J)

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