

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27850 of 2015

Arising Out of PS.Case No. -92 Year- 2015 Thana -BANMANKHI District- PURNIA

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1. Ashok Sah S/o Hulay Sah
 2. Priyanka Devi W/o Ashok Sah
 3. Motichand Kumar S/o Late Sarup Sah
 4. Hulay Sah S/o Late Sarup Sah
 5. Kala Devi W/o Hulay Sah All Resident of village - Pipra, Ward No. 10, P.S. Banmankhi, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar

For the Opposite Party/s : Mr. Murlidhar(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-09-2015 Learned counsel for the petitioners submits that petitioner no.3, namely, Mohichand Kumar, has been arrested during the pendency of this applications. Hence, he seeks permission to withdraw anticipatory bail application on behalf of petitioner no.3.

Accordingly, the anticipatory bail application on behalf of petitioner no.3, Mohichand Kumar, is dismissed as withdrawn.

Heard learned counsel for petitioner nos. 1,2,4 and 5,namely, Ashok Sah, Priyanka Devi, Hulay Sah and Kala Devi and learned A.P.P. for the State.

The petitioner nos. 1,2,4 and 5 are apprehending their arrest in a case registered under Sections 147,148, 149, 341, 323, 354, 325 and 379 of the Indian Penal Code.

The allegation against the petitioners is of assaulting the informant and her husband with lathi and iron rod and also took ornaments from her possession. It is also alleged that

they also took away Rs. 10,000/- from the box after breaking the lock of the box.

It has been submitted on behalf of petitioner nos. 1,2,4 and 5 that they have no criminal antecedent. Petitioner nos. 2 and 5 are ladies. The informant and the petitioners are Gotias and the occurrence has taken place because of partition. It is further submitted that from perusal of FIR itself it appears that no offence under Section 354 IPC is made out.

On behalf of the State, it has been submitted that the petitioner nos. 1,2,4 and 5 are named in the FIR.

Considering the facts aforesaid, let above named petitioner nos.1,2,4 and 5, namely, Ashok Sah, Priyanka Devi, Hulay Sah and Kala Devi, in the event of their arrest/surrender in the court below within a period of four weeks, 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 Sri Prasant Kumar, learned Judicial Magistrate, 1st Class, Purnea in Banmankhi P.S.case No. 92 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sudhir Singh, J)

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