

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5903 of 2016

Arising Out of PS.Case No. -129 Year- 2015 Thana -BHANGWANPUR HAT District- SIWAN

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1. Binda Ram, Son of Uma Ram, resident of village- Rajapur, P.S.-
Bashantpur, District- Siwan
2. Bhim Singh, son of Nagu Singh, resident of village- Kauriya, P.S.
Bhagwanpur Haat, District- Siwan Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 22-02-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Bhagwanpur Haat P.S. Case No. 129 of 2015, disclosing
offences under Sections 272, 273, 414 of the Indian Penal Code
and 47(a) of the Excise Act.

Admittedly, petitioner no. 2 has criminal antecedent, as
said in paragraph 3 of the petition.

Learned counsel for the petitioners submits that so far
as petitioner no. 1 is concerned, he has been implicated in the
present case because of local rivalry.

Considering the facts and circumstances, this
application to the extent relates to petitioner no. 2 is dismissed. He
is directed to surrender before the court below within four weeks

from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

So far as anticipatory bail application of petitioner no. 1 is concerned, the same is allowed.

Let the petitioner no.1 namely, Binda Ram, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-9, Siwan in connection with Bhagwanpur Haat P.S. Case No. 129 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner no.1 namely, Binda Ram shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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