

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8628 of 2016

Arising Out of PS.Case No. -81 Year- 2013 Thana -BARAULI District- GOPALGANJ

- =====
1. Ramashray Prasad Son of Late Kamal Prasad
 2. Basistha Prasad Son of Late Ramchandra Prasad
- Both resident of village - Batardeh, P.S. Barauli, Dstrict - Gopalganj

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh

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

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 11-07-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Barauli P.S. Case No. 81 of 2013, disclosing offences
under Sections 376 and 307/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
the police upon completion of investigation have submitted
final form in this case and decided not to send the petitioners up
for trial. He has submitted that the learned court below,
however, took cognizance of the offence, differing with the
police report. He, accordingly, submits that no fruitful purpose
would be served if the petitioners are taken into custody, now,

when the police have already submitted their report after completion of investigation and therefore, there is no question of the petitioners' tampering with the evidence or influencing the witnesses in any manner.

Considering the above submission, this application is allowed. Let the petitioners, above-named, in the event of their 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 Chief Judicial Magistrate, Gopalganj, in connection with Barauli P.S. Case No. 81 of 2013, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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