

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36407 of 2016

Arising Out of PS.Case No. -48 Year- 2016 Thana -SURAJPURA District- SASARAM (ROHTAS)

1. Jai Prakash Singh Son of Mahendra Singh
2. Manish Kumar son of Anil Singh Both resident of village- Nonhar,
P.S.- Surajpura, District- Rohtas.

.... .. Petitioners

Versus

The State of Bihar

.... .. Opposite Party

Appearance:

For the Petitioners : Mr. Arbind Kumar, Advocate
For the State : Mr. R.P.Nat, APP
For the Informant : Mrs. Usha Kumari No.1, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 16-09-2016 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences
alleged under Sections 147, 148, 149, 341, 323, 504, 307, and 379
of the Indian Penal Code and Section 27 of the Arms Act registered
in connection with Surajpura P.S. Case No. 48 of 2016.

3. It is submitted that the petitioners have been falsely
implicated and as far as the petitioner no. 1 is concerned the only
accusation against him is of snatching the gold chain(*sikri*) from
the neck of the informant only in an effort to embellish the
accusations. It is submitted that other co-accused have been
granted anticipatory bail by this Court in Cr. Misc. No. 33364 of
2016.

4. Considering that the injury report of the informant
which discloses injuries on the scalp frontal region as well as the
injury report of the informant's uncle Sanjay Singh, who has also
sustained injury on the head and became semiconscious, nausea
and bleeding from his nose, this Court is not inclined to grant the

privilege of anticipatory bail as far as petitioner no. 2. is concerned. The bail petition as against him stands dismissed.

5. Considering that no assault is attributed to the petitioner no. 1, in the event of arrest or surrender of the petitioner no. 1 before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 1 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Sasaram in connection with Surajpura P.S. Case No. 48 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner no.1.

(ii) That the petitioner no. 1 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner no. 1 shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner no. 1 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/BT

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