

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34624 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -BHORE District- GOPALGANJ

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1. Arjun Gupta son of Ram Ishwar Gupta
 2. Akhilesh Gupta son of Ram Ishwar Gupta
 3. Ram Sewak Gupta @ Ram Sewak Sah son of Late Radha Sah
 4. Jai Kishun Sah son of late Sahdeo Sah
 5. Umesh Sah @ Umesh Kumar Sah son of Jai Kishun Sah
 6. Ram Pravesh Sah son of Jai Kishun Sah
 7. Seema Devi daughter of Ram Ishwar Sah W/o Jitendra Sah
 8. Subhawati Devi wife of Ram Ishwar Gupta
 9. Mayawati Devi @ Mayawati wife of Ram Sewak Gupta
 10. Deepa Kumari daughter of Ram Sewak Gupta
 11. Prabhawati Devi daughter of late Bisheshwar Verma

All residents of Village Piyarota, P.S. Bhorey, District Gopalganj.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 08-09-2016

Heard Mr. Mohammad Sufyan, learned counsel for the petitioners and learned Addl. Public Prosecutor.

Eleven petitioners, apprehending their arrest in Bhorey P.S. Case No.78/2016 registered for the offence under Sections 147, 323, 324, 354, 307, 379, 504, 506, 120(B), 341/34 of the Indian Penal Code , have prayed for grant of bail in the event of their arrest or surrender.

By way of referring to Annexure-2 to the petition, it was submitted by learned counsel for the petitioners that the



informant side had committed serious offences against the petitioners side and, as such, on the basis of fardbeyan of petitioner no.1 of the present case, an F.I.R. vide Bhorey P.S. Case No.40/2016 was registered on 13.04.2016 for the offence under Sections 341, 323, 447, 427, 324, 307, 504, 506 , 34 of the Indian Penal Code against the informant of the present case and other accused persons. It has also been argued that the informant of the present case was earlier arrested and was detained in custody. However, with a view to create a defence, the informant of the present case filed a complaint on 10.05.2016 vide Complaint Case No.3827/2016 arraying the petitioners and others as accused, which was subsequently referred to the police under Section 156(3) of the Code of Criminal Procedure for registering the case . Accordingly, the present F.I.R. was lodged on 22.06.2016 vide Bhorey P.S. Case No.78/2016. He submits that even before the court below, no injury report was produced.

In view of facts and circumstances, particularly the fact that from the petitioners side, an F.I.R. was lodged against the informant and others on 13.04.2016 on an allegation of offence committed on 12.04.2016 and, thereafter, a complaint was filed by the informant of the present case on 10.05.2016 at much belated stage, which was registered as Bhorey P.S. Case No.78/2016, the

Court is of the opinion that it is a fit case for extending privilege of anticipatory bail. Accordingly, let aforesaid eleven petitioners, namely,(i) Arjun Gupta (ii) Akhilesh Gupta (iii) Ram Sewak Gupta @ Ram Sewak Sah (iv) Jai Kishun Sah (v) Umesh Sah @ Umesh Kumar Sah (vi) Ram Pravesh Sah (vii) Seema Devi (viii) Subhawati Devi (ix) Mayawati Devi @ Mayawati (x) Deepa Kumari and (xi) Prabhawati Devi, in the event of their arrest or surrender within six weeks from today , 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 learned Chief Judicial Magistrate, Gopalganj in connection with Bhorey P.S. Case No.78/2016, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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