

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42294 of 2016

Arising Out of PS.Case No. -82 Year- 2015 Thana -SARAI RANJAN District- SAMASTIPUR

1. Arvind Singh, son of Late Dineshwar Singh
2. Guddu Kumar Singh, son of Anil Singh
3. Dablu Singh, son of Arbind Kumar Singh
4. Ram Babu Singh, son of Late Upendra Singh
5. Ranjan Singh @ Ranjan Kumar Singh, son of Shambhu Singh
6. Chandan Singh, son of Vijay Singh
7. Gunjan Singh @ Gunjan Kumar, son of Vijay Singh
8. Santosh Kumar Singh @ Santosh Singh, son of Ram Pukar Singh
9. Jay Ranjan Singh @ Jay Ranjan Kumar Singh, son of Shambhu Singh
10. Balmiki Singh, son of Krishna Bilash Singh
All are Village- Manikpur, P.S.- Ghataho, O.P. District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Ms. Reena Sinha

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 05-10-2016 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Sarairanjan (Ghataho O.P.) Police Station Case No. 82 of 2015, disclosing offences under Sections 147, 148, 149, 341, 323, 307, 337, 379, 504 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

Learned Counsel for the petitioners has submitted that these petitioners were released on personal bond by the Police, under Section 41 of the Code of



Criminal Procedure, 1973, during the pendency of the investigation. He further submits that upon completion of investigation, the Police have submitted charge sheet against these petitioners under various sections of the Indian Penal Code, but not under Section 307 of the Indian Penal Code. Learned Court below has, however, taken cognizance of the offence under Section 307 of the Indian Penal Code also. It is contended that though there was no material in the case diary to constitute an offence under Section 307 of the Indian Penal Code, learned Court below, has taken cognizance under the aforesaid section.

It has further been submitted that evidently, in course of investigation, the petitioners were not arrested by the Police and on furnishing bond, they were allowed to go and there is no allegation of any misappropriation of the said privilege given to them and, therefore, there is no chance that the petitioners will flee from the course of justice, if granted privilege of anticipatory bail.

Considering the above submissions, this application is allowed.

Let the petitioners, named above, 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/- (ten thousand) each with two sureties of the like

amount each to the satisfaction of learned Additional Chief Judicial Magistrate VI, Samastipur, in connection with Sarairanjan (Ghataho O.P.) Police Station Case No. 82 of 2015, 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.)

Prabhakar Anand/-c

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