

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38622 of 2016

Arising Out of PS.Case No. -138 Year- 2016 Thana -SINGHESHWARASHTHAN District-
MADHEPURA

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1. Binod Sah Son of Guneshwar Sah @ Gohal Sah @ Gohal
2. Pramod Sah Son of Guneshwar Sah @ Gohal Sah @ Gohal
3. Prabhu Sah Son of Guneshwar Sah @ Gohal Sah @ Gohal
4. Guneshwar Sah @ Gohal Sah @ Gohal Son of Late Muni Lal Sah.
5. Pintu Kumar @ Pintu Sah Son of Shambhu Sah
All Residents of Village Lalpur Saropatti, Lachhminiya Tola, P.S.
Singheshwar District- Madhepura.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Dr. Sanjay Kumar Singh, Adv.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-09-2016 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, 323, 324, 325, 307, 379, 504
and 506 of the Indian Penal Code registered in connection with
Singheshwar P.S. Case No. 138 of 2016.

3. It is submitted that the petitioners have been falsely
implicated and there is case and counter case between the parties.
There is considerable delay in instituting the F.I.R. on 12.06.2016
for the alleged occurrence of 05.06.2016.

4. Considering the specific accusation of assault by
petitioner no. 1 on the head of the informant with butt of gun
which appears to be supported by the injury report, this Court is
not inclined to grant the privilege of anticipatory bail to the
petitioner no. 1. The anticipatory bail petition of petitioner no. 1
stands dismissed.

5. Considering that the accusation of assault against other petitioners is general and omnibus in nature, in the event of the petitioner nos. 2 to 5s' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 2 to 5 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Singheshwar P.S. Case No. 138 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 of each of the petitioners shall be their close relative other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation and make themselves 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 petitioners 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/BT

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