

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13410 of 2016**

Arising Out of PS.Case No. -309 Year- 2015 Thana -KUSHESHWARSTHAN District-  
DARBHANGA

- =====
1. Sharda Prasad Singh S/o Late Ram Bahadur Singh
  2. Shashi Kumar Singh @ Shashi Bhushan Singh S/o Late Ram Bahadur Singh null
  3. Sharva Narayan Singh S/o Late Sahdeo Singh
  4. Natho Singh S/o Sri Sharva Narayan Singh, all are residents of Village - Narayanpur, P.S. - Kusheshwar Asthan, District - Darbhanga.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Lakshmi Kant Tiwary, Advocate

For the Opposite Party/s : None

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

2      05-04-2016

Heard the learned counsel appearing on behalf of the petitioners. However, none appears on behalf of the State of Bihar, though the name of the learned Spl.P.P is printed in the daily cause list.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 307, 379, 354 and some other allied offences under the Indian Penal Code as also under Section 3 (i) (x) (xi) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Though, the petitioners, besides others, are named in the first information report vide Annexure-1 as accused but taking into consideration the fact that there appears to be a case and counter case vide Annexures- 1 and 3 respectively and also taking into consideration the fact that on identical allegation, co-accused Prafulla Kumar @ Prafulla Kumar Singh, co-accused Ramji Singh @ Ramanji Singh @ Ramanjit Singh and five others have been

extended the privilege of anticipatory bail by a co-ordinate Bench of this Court by order dated 11.02.2016 in Cr.Misc.No. 6473 of 2016, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail.

In the event of their arrest or surrender in the court below within a period of four weeks from today, let the above named four petitioners be released on bail on furnishing bail bonds of Rs.25,000/-(Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Biraul, Darbhanga in connection with Kusheshwar Asthan P.S.Case No. 309 of 2015, subject to conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

(A) one of the bailors of each petitioners must be government servant or close family member of the petitioners who will file an affidavit in the court below showing his/her relationship with the petitioners,

(B) if the petitioners are found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

**(Birendra Prasad Verma, J)**

Tahir/-

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