

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17301 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -KOCHAS District- SASARAM (ROHTAS)

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1. Mahendra Bhagat son of Late Jagannath Bhagat
 2. Santosh Bhagat
 3. Bhanu Bhagat @ Manu Bhagat
Both sons of Late Lalan Bhagat
 4. Pawan Bhagat son of Late Vishwanath Bhagat
All residents of Village- Satsa, P.S.- Kochas, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rameshwar Singh

For the Opposite Party/s : Mr. T.P.Mandal(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 09-05-2016 Heard the Counsel for the petitioners and the APP for the State.

Petitioners apprehend their arrest in Kochas P.S. Case No. 02 of 2016 registered under sections 147, 148, 149, 323, 379 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

At least, there are two grounds which persuade this Court to grant anticipatory bail to the petitioners. Firstly, the petitioners were not the first who entered into the house and assaulted the brother of the informant. There is also no allegation of firing attributed to them. Secondly, the counter version (Annexure-2) indicates that there was a kind of *marpit* between both the parties. The criminal antecedents also relates to a case instituted under

minor sections by the present prosecution side.

After hearing both sides, it is directed that in the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed be released on anticipatory 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, Sasaram, Rohtas in Kochas P.S. Case No. 02 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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