

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43045 of 2016

Arising Out of PS.Case No. -94 Year- 2016 Thana -SHAMBHUGANJ District- BANKA

- =====
1. Subhash Singh, S/o Sri Basudeo Pd. Singh, resident of Village- Chakartani, P.S.- Shambhuganj, Distt.- Banka.
 2. Bipin Singh @ Aniket Anand, S/o Sri Jaimangal Singh,
 3. Bivash Singh @ Bibhash Singh, S/o Late Chhedi Prasad Singh, both resident of Village- Baidpur, P.S. Shambhuganj, District- Banka.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 22-11-2016 Heard Mr. Mukherjee in support of the application
and Mr.Dayal, A.P.P. for the State.

Supplementary affidavit on behalf of the petitioners
has been filed.

The petitioners pray for grant of Anticipatory bail in
Shambhuganj P.S. Case No. 94 of 2016, registered under
Sections 302 and 120(B)/34 of the Indian Penal Code.

The son of the informant had gone to the Tarapur
Bazar and did not return. The following morning his dead body
was recovered. It is further alleged that these petitioners and
others had previously threatened the informant and his family
members with dire consequence.



The counsel for the petitioners submits that except the suspicion raised in the F.I.R., there is no incriminating material against the petitioners. It is also not the case that only one or two days prior to the occurrence such threatening was held out to the informant. There is also no evidence that they have been seen on or around the place of occurrence during the relevant time. Petitioners have no criminal antecedent.

Learned A.P.P. Mr. Dayal, on going through the case diary states that there are material against the petitioners.

Considering the facts that petitioners have no criminal antecedent, I am persuaded to extend them the privilege of anticipatory bail in the event of arrest or surrender in the Court below within four weeks, the petitioners above named, are directed to 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 Sub-Divisional Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 94 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.

(Kishore Kumar Mandal, J)

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