

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6113 of 2016

Arising Out of PS.Case No. -50 Year- 2015 Thana -KHUTAUNA District- MADHUBANI

1. Raj Lal Sah Son of Julmdhari Sah Resident of village - Ekadara, P.S. Khutauna, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.
Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. G.S.Gupta(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 28-03-2016 Heard learned Senior Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Khutauna Police Station Case No. 50 of 2015, disclosing offences under Sections 147, 148, 149, 323, 302, 120B of the Indian Penal Code.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that there is no specific allegation of assault against this petitioner and the allegations are general and omnibus against all the 10 (ten) accused persons named in the First Information Report. He submits that in similar circumstance, other First Information Report named accused person, namely, Banshi



Lal Sah, has been granted anticipatory bail vide an order dated 04.03.2016 passed in Criminal Misc. No. 1813 of 2016. It has been stated in paragraph 3 of the application that the petitioner has no criminal antecedent. In that background, it has been submitted by learned Senior Counsel that there is no likelihood of the petitioner tampering with the evident or fleeing from the course of justice.

Learned Additional Public Prosecutor appearing on behalf of the State of Bihar has not been able to distinguish the allegation of the present petitioner with those alleged against co-accused Banshi Lal Sah, who has been granted privilege of anticipatory bail.

Considering the submissions, as above, this application is allowed.

Let the petitioner, Raj Lal Sah, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Devesh Kumar, Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani, in connection with Khutauna Police Station Case No. 50 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 petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.



Prabhakar Anand/-

(Chakradhari Sharan Singh, J.)

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