

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13592 of 2016

Arising Out of PS.Case No. -303 Year- 2012 Thana -GOPALPUR District- BHAGALPUR

1. Anand Kumar @ Anand Kumar Ashish
2. Mister Sah@Sudhanshu Kumar, Both are Sons of Awadesh Sah, resident of Village Badi Makanpur, Police station Gopalpur, District Bhagalpur.33

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Ganesh Pd.Singh(APP)

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 02-05-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 147, 149 and 302 of the Indian Penal Code.

Though, the petitioners, besides others, are also named in the F.I.R, vide Annexure-1, as accused, but taking into consideration the fact that the specific allegation of assault by iron rod is against co-accused Subhash Mistry and so far the petitioners, besides other accused persons, are concerned allegations against them are general and omnibus in nature of having assaulted the husband of the informant by 'lathi' and fists etc. and further taking into consideration the fact that death of the deceased had taken place during the course of treatment in the hospital and not on the spot, and also taking into consideration the fact that the petitioners are said to be the first offenders, 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 petitioners be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Naugachia in the district of Bhagalpur, in connection with Gopalpur P.S.Case No. 303 of 2012 dated 19.09.2012, subject to the conditions laid down under Section 438(2) Cr.P.C and subject to the further conditions that:

- (A). One of the bailors must be government servant or close family member of the petitioners, who will file an affidavit in the Court below showing his 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 the bail bonds 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 an 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 bonds of the petitioners.

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(Birendra Prasad Verma, J)