

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38193 of 2016

Arising Out of PS.Case No. -61 Year- 2016 Thana -BIRPUR District- SUPAUL

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1. Devendra Kherwar Son of Late Sitaram Kherwar
2. Mithilesh Kumar alias Mithilesh Kharwar Son of Ramroop Kherwar
Both resident of Bhawanipur, Ward No.07, P.S.- Birpur, District-
Supaul.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Girjanand Prasad

For the Opposite Party/s : Mr. Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2. 16-09-2016 Heard Sri Girjanand Prasad, learned counsel for
petitioners and learned Addl. Public Prosecutor.

Two petitioners, who are named as accused in the
F.I.R., apprehending their arrest in Birpur P.S. Case No. 61 of 2016
registered for offence under Sections 147, 148, 149, 341, 323, 325,
307, 379, 447 and 504 of the Indian Penal Code, have prayed for
grant of anticipatory bail on the ground that on the basis of
ferdbeyan of petitioner no. 2, prior to lodging of the present F.I.R.,
an F.I.R., vide Birpur P.S. Case No. 60 of 2016 was registered on
21-03-2016.

Learned counsel for petitioners submits that the
informant side of the present case where aggressor and they had
committed offences. He further submits that in the present case,
number of persons were arrayed as accused, however; learned
Sessions Judge, Supaul, considering the fact that there was general

and omnibus allegation, has extended the privilege of anticipatory bail to altogether eight accused persons. The prayer for anticipatory bail of petitioners was rejected by the learned Sessions Judge only on the ground that there was allegation that both the petitioners had committed offence under Section 379 of the Indian Penal Code. However, during investigation, according to learned counsel for petitioners, none of the witnesses have said regarding theft.

Considering the fact that there was case and counter case in between the parties as well as the fact that about eight accused persons have been extended the privilege of anticipatory bail, there is no reason to deny the same relief to the petitioners.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let both the petitioners namely Devendra Kherwar and Mithilesh Kumar @ Mithilesh Kherwar be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Birpur, Supaul in connection with Birpur P.S. Case No. 61 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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