

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53917 of 2016

Arising Out of PS.Case No. -37 Year- 2016 Thana -BISHWAMBHARPUR District- GOPALGANJ
=====

1. Saheb Sah @ Ajit Sah son of Ram Chandra Sah
2. Shailesh Sah son of Harihar Sah
3. Rita Devi wife of Kanhaiya Sah All are residents of village - Kheim
Mathiniya, P.S. - Bishambharpur, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma

For the Opposite Party/s : Mr. Ramesh Chandra, APP
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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 21-12-2016 Heard the Counsel for the petitioners and the APP for the
State.

Petitioners are named accuseds of Bishambharpur P.S. Case
No. 37 of 2016 registered under sections 147, 148, 149, 341, 323,
307, 379 and 504 of the Indian Penal Code and pray for grant of
anticipatory bail.

There is specific allegation attributed to petitioner nos. 1
and 2 that they assaulted the informant with *lathi* on head. The
allegation against the petitioner no. 3 is general and omnibus.

Contention of the petitioners is that both parties are gotiyas
and there was free fight on account of demolition of a structure.
The injury report of the informant does not support in toto the
prosecution case. There is general and omnibus allegation
attributed to petitioner no. 3 who is a female member of the



family.

Learned APP points out that specific allegation has been attributed against petitioner nos. 1 and 2. The informant has received injury on the head.

Considering the facts and circumstances of the case, I am not inclined to extend the privilege of petitioner nos. 1 and 2. Prayer is rejected. Let the petitioner nos. 1 and 2 surrender and pray for bail which shall be considered in accordance with law.

Let the petitioner no. 3, namely, Rita Devi in the event of arrest or surrender in the Court below within four weeks be directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Gopalganj in Bishambharpur P.S. Case No. 37 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 petitioner.

(ii) In case of framing of charge, the petitioner 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 petitioner and secure his arrest in
accordance with law.

(Kishore Kumar Mandal, J)

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