

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56363 of 2015

Arising Out of PS.Case No. -113 Year- 2015 Thana -EKMA District- SARAN

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1. Jai Prakash Prasad, Son of Late Ganga Sagar Prasad
2. Jitendra Prasad, Son of Late Ganga Sagar Prasad.
Both Resident of Village- Gajiapur, P.S.- Ekma, District- Saran at
Chapra (Bihar). Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Mustaque Alam (App)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**

ORAL ORDER

3 21-01-2016 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in a case under
Sections 341, 323, 307/34 of the Indian Penal Code lodged on
08.07.2015, to which Section 302 of the Indian Penal Code has
been added, on 09.07.2015.

The petitioners are named in the F.I.R. The main
allegation of assault is against Pappu Kumar Prasad. The
petitioners is said to have assaulted the deceased with hands and
fists.

Counsel for the petitioners submits that the informant
instituted two F.I.Rs., in which there are lots of discrepancies with
respect to place of occurrence as well as manner of assault. He
submits that the petitioners have been falsely implicated in this

case, as Pappu Kumar Prasad (their brother) is the main accused and there is admitted enmity from before.

Counsel for the informant opposes the prayer for anticipatory bail and submits that in both the F.I.Rs., it has been stated that the petitioners have also assaulted with hands and fists.

As there is no allegation against the petitioners that they were armed with any weapon, in the event of arrest or surrender before the court below within four weeks from today the above named petitioners be released on bail on furnishing bail bond of Rs.5000/- (Five thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in connection with Ekma P.S. Case no. 113 of 2015 subject to the conditions as laid down under Section 438 (2) Cr.P.C. with the condition that they would not physically absent for two consecutive dates at stretch till two witnesses are examined in the trial, failing which their bail bonds would be cancelled.

The Court, who is in seisin of the case, is directed to expedite the trial.

(Samarendra Pratap Singh, J.)

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