

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56577 of 2017

Arising Out of PS.Case No. -365 Year- 2017 Thana -GOGRI District-KHAGARIA

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1. Raghav Singh,
2. Sujit Kumar Singh, Both above Son of Tej Narayan Singh,
3. Sanjay Kumar @ Sanjay Singh S/o Late Laldeo Singh, All above R/o
Village- Longa, P.S.- Gogri (Paura), District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Yogendra Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 29-11-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Gogri (Poura) P.S. Case No. 365 of 2017 instituted for the offence under Sections-353, 341, 323, 384, 426/34 of the Indian Penal Code.

It is alleged in the written report that 4-5 accused persons including the petitioners came to the informant (J.E.) while he was struggling to establish the work of flood control, and demanded Rs. 5,000/- and when informant refused to give the amount, petitioner no. 1 caught hold his neck and pulled him down on the ground. Petitioner no. 2 abused the informant and gave direction to kill and throw him into the river and petitioner no. 3 began to kick.

Learned counsel for the petitioner has submitted that at the time when the villagers were busy to save their life from soil erosion due to flood current and asked the informant (J.E.) for help, he showed negligence. Thereafter, the agitated villagers told him to go back. After



that informant has lodged this false case against the petitioners. The villagers have also given representation before the S.P. with regard to filing of this false case by the informant.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Gogri (Paura) P.S. Case No. 365 of 2017 (G.R. No. 2393 of 2017) to the satisfaction of learned Chief Judicial Magistrate, Khagaria subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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