

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4040 of 2017

Arising Out of PS.Case No. -669 Year- 2014 Thana -SAHARSA District- SAHARSA

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1. Anil Das, Son of Shibu Das,
2. Raju Das, Son of Shibu Das,
3. Kundan Das, Son of Bodhi Das, All residents of Mohalla - Bengha, Ward
No. 4, P.S. & District- Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Sri S.M. Rahman

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 06-03-2017 Heard learned counsel for the petitioners as well as
learned Addl. Public Prosecutor.

The petitioners pray for regular bail for the offence
under Sections 323, 341, 147, 148, 149, 307, 379/34 of Indian Penal
Code.

It is submitted on behalf of petitioners that petitioner
nos. 2 and 3 are not named in the F.I.R. There is no specific allegation
against the petitioners. Petitioner nos. 1 and 3 are under custody since
22.11.2016 whereas petitioner no. 2 is under custody since 19.11.2016.
Charge has already been framed and there is no chance of tampering
with prosecution evidence in this case. Co-accused Bodhi Das has
already been allowed bail vide order dated 02.12.2015 passed in Cr.
Misc. no. 38807 of 2015. No offence under Sections 302 or 307 of



Indian Penal Code is made out.

Learned A.P.P. fairly submits that three co-accused have already been allowed bail.

In the facts and circumstance stated above, considering that charge has already been framed and there is no chance of tampering with prosecution evidence, petitioners have got no criminal antecedents and as such, the petitioners abovenamed are directed to be released on bail on execution of bail bond of Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar PS case no. 669 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioners will remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from the privilege of bail.

(Jitendra Mohan Sharma, J.)

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