

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46251 of 2017

Arising Out of PS.Case No. -189 Year- 2016 Thana -BARAUNI District- BEGUSARAI

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1. Birendra Singh,
2. Subodh Singh, Both Sons of Late Babu Singh.
3. Amit Singh,
4. Anmol Anand.
5. Baua Kumar, All Sons of Sri Rajendra Prasad Singh.
6. Pintu Kumar, Son of Sri Birendra Singh,
7. Murari Singh
8. Tripurari Singh, Both sons of Late Surendra Prasad Singh, All residents of Village Chakbali, (Chekali Ward No. 14), P.S. Barauni, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Informant : Mr. Ajay Kumar Thakur

Mr. Amit Kumar, Advs.

For the State : Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 13-12-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Barauni P.S. Case No. 189 of 2016 instituted for the offence under Sections-149, 313, 449, 452, 120B/34 of the Indian Penal Code.

There is specific allegation against Rajendra Singh of assaulting the informant in her stomach with butt of the rifle while she was pregnant of six months. It is further alleged that other accused persons damaged the house of the informant and assaulted the mother of the informant.

It has been submitted on behalf of the petitioners that the



alleged occurrence as per complaint petition has taken place on 25-08-2017 and the complaint has been filed after five years on 22-04-2016. Counsel for petitioners has further submitted that the informant and her family members are accused in Barauni Refinery P.S. Case No. 209 of 2011 for the offence under Section-302 of the Indian Penal Code. These petitioners are witnesses in the case. The trial of the case is going on.

The instant case has been filed against these petitioners by the complainant only to put pressure not to depose in the aforesaid Barauni Refinery P.S. Case No. 209 of 2011.

From the complaint petition, it appears that there is no allegation of specific overt act against these petitioners.

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 Barauni P.S. Case No. 189 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Begusarai 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 petitioners 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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