

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43311 of 2017

Arising Out of PS. Case No.-255 Year-2012 Thana- KOTWA District- East Champaran

1. Birendra Rai, Son of Late Gyani Rai,
2. Ajit Rai, Son of Birendra Rai,
3. Munna Rai Son of Gauridhankar Rai, All are R/o Village- Nadikanhi, P.S- Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava
For the Opposite Party/s : Mr. SRI NARSINGH TANTI

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-09-2017 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Kotwa P.S.Case N0. 255 of 2012, disclosing offences under Sections 147,148,149,341,323,324,307,379,504,506 of the Indian Penal Code.

The First Information Report was registered in the year 2012.

Learned counsel for the petitioners has submitted that altogether 9 persons were named in the First Information Report. The police upon completion of investigation submitted charge-sheet against some of them on 30.11.2013 but did not find involvement of these petitioners in commission of the



offence. Learned Magistrate, however, differing with the final form has taken cognizance of the offences and summoned these petitioners also.

Learned counsel for the petitioners contends that the petitioners did not have any knowledge about issuance of summons etc and now they apprehend their arrest since police are searching them.

Considering the facts and the circumstance that the investigation is complete wherein the petitioners' involvement has not been found, a case for grant of anticipatory bail is made out. This application is, accordingly, allowed.

Let the petitioners above named in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand)each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate First Class, Motihari, East Champaran, in Kotwa P.S. Case No. 255 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to



appear before the Court on two consecutive occasions, their bail
bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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