

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30457 of 2017

Arising Out of PS.Case No. -48 Year- 2016 Thana -KAUAKOL District- NAWADA

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1. Jaleshwar Mistry, Son of Late Ram Mistry,
 2. Asresh Mistry @ Aserash Mistry, Son of Late Ram Mistry.
Both are resident of Village- Bhaluahi, Police Station- Kawakol in the district of Nawada.
 3. Dipak Kumar, Son of Dwarika Mistry, resident of Village- Bandaili, Police Station- Kawakol in the district- of Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. S.M. Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Kawakole P.S. Case No. 48 of 2016 instituted for the offence under Sections 302/34 of the Indian Penal Code.

It has been submitted that petitioner is not named in the written report. His name has come merely on suspicion in the supervision note of the police.

As per written report, the altercation had taken place between nephew (*Bhagina*) of the informant namely, Silip Singh @ Shilu Singh (since deceased), Umesh Mistry and Sukhdeo Mistry for demand of money. It is alleged that due to such altercation, Umesh Mistry and Sukhdeo Mistry committed murder



of the nephew (*Bhagina*) of the informant.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Kawakole P.S. Case No. 48 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Nawada, subject to the conditions as laid down under Section 438 (2) 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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