

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42885 of 2017

Arising Out of PS. Case No.-845 Year-2012 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Anil Prasad, son of Sri Ram Prasad
2. Ram Prasad @ Ram Prasad Yadav
3. Balchand Rajbanshi, son of Late shyam Rajbanshi
4. Kara Rajbanshi @ Karu Rajbanshi, son of Sri Bhola Rajbanshi
5. Bhola Rajbanshi, son of Sri Nandan Rajbanshi
6. tuntun Rajbanshi, son of Late Basudeo Rajbanshi
All resident of village Pratappur, Police Station Fatehpur, District Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Malti Devi, wife of Late shyam Prasad, resident of village Pratappur,
Police Station Fatehpur, District Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Onkar Nath
For the State	:	Mr. BHARAT BHUSHAN
For the Informant	:	Mr. Kirshna Prasad Singh, Sr. Adv. Mr. Bhaskar Shankar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-09-2017 Heard learned Counsel for the petitioners, learned Senior

Counsel appearing on behalf of the informant and learned

Additional Public Prosecutor representing the State of Bihar.

This application, for grant of anticipatory bail, arises out
of Protest Complaint Case No. 845 of 2012, disclosing offences
under Sections 147, 149 and 302 of the Indian Penal Code.

Learned Counsel for the petitioners has submitted that
the police, upon completion of investigation, submitted final
report finding no material against these petitioners. He contends



that cognizance has been taken by the Court below on the basis of protest -cum- complaint petition. He contends that since investigation is complete, no tangible purpose will be served if the petitioners are taken into custody on the basis of protest -cum- complaint petition.

Learned Senior Counsel appearing on behalf of the informant has opposed the prayer for anticipatory bail and has submitted that considering the gravity of the offence, such privilege should not be allowed to these petitioners.

However, I find substance in the submissions made on behalf of the petitioners that they have been found by the police not to be involved in the commission of the offence. The investigation is complete. No purpose will be served if the petitioners are taken into custody since there is nothing to show that they will flee from the course of trial, if they are allowed privilege of anticipatory bail.

Considering the above submissions, this application is allowed.

Let the petitioners, namely, Anil Prasad, Ram Prasad @ Ram Prasad Yadav, Balchand Rajbanshi, Kara Rajbanshi @ Karu Rajbanshi, Bhola Rajbanshi and Tuntun Rajbanshi, in the event of their arrest or surrender before the Court below within



a period of six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Dinkar Kumar, learned Judicial Magistrate, 1st Class, Gaya, in connection with Protest Complaint Case No. 845 of 2012, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure, 1973.

This is subject to the condition that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court below on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J)

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