

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37491 of 2017

Arising Out of PS.Case No. -5 Year- 2016 Thana -NAUGACHHIYA RPF POST District-
KHAGARIA

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1. Deepak Mahton son of Devendra Mahto, resident of Village- Gandhi
Gram Bind Toli, P.S.- Kursela, District- Katihar.

2. Sonu Sahni son of Naresh Sahni, resident of Village- Kheriya Sahni
Tola, P.S.- Kursela, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-08-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Naugachhiya (R.P.F.)

P.S. Case No. 05 of 2016 instituted for the offence under Section-3 R.P.
(U.P.) Act.

It has been submitted that petitioners have not been
apprehended on the spot and they have clean antecedent. Their names
have been disclosed by the persons who have been apprehended by the
police on the spot. It has been submitted that one of the accused
namely, Birbal Mahto has been granted anticipatory bail by coordinate
bench of this court by order dated 05-06-2017 passed in Cr. Misc. No.
22720 of 2017.

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 Naugachhiya (R.P.F.) P.S. Case No. 05 of 2016 to the satisfaction of learned Additional Chief Judicial Magistrate, Railway, Khagaria 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 tampers 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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