

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52071 of 2017

Arising Out of PS.Case No. -352 Year- 2015 Thana -GHOSI District- JEHANABAD

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1. Manoj Kumar, S/o Lalesh Sharma,
2. Santosh Kumar S/o Lalesh Sharma, Both R/o Village- Dhongara, P.S.-
Ghosi, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Smt. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioners as well as the

State.

The petitioners apprehend their arrest in Ghosi P.S.

Case No. 352/2015 instituted for the offences under Sections 323,

341/34 of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioners has submitted that

there is allegation against the petitioners and other accused persons

of resorting to firing, but no firearm injury has been found. It is

further submitted that charge-sheet has been submitted under Sections

341 and 323/34 of the Indian Penal Code, but the learned Magistrate

took cognizance for the offence under Section 307 of the Indian Penal

Code and Section 27 of the Arms Act. Further it has been mentioned in

para 3 of the bail petition that the petitioners have no criminal



antecedent.

Considering the facts and circumstances of the case, the 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 Ghosi P.S. Case No. 352/2015, 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 the learned Chief Judicial Magistrate, Jehanabad, subject to the conditions as laid down under Section 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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