

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9618 of 2017

Arising Out of PS.Case No. -278 Year- 2015 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Prabhudev Rai @ Shambhu Rai, son of Late Mangal Rai,
2. Ramesh Yadav,
3. Jitendra Yadav,
4. Santosh Yadav, All three sons of Prabhudev Rai alias Shambhu Rai,
resident of Village- Murarpur Baghuat, P.S.- Harsidhi, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 06-04-2017 Heard learned counsel for the petitioner and the State.

The petitioners apprehend their arrest in connection with Harsidhi P.S. Case No. 278 of 2015 instituted for the offence under Sections-325, 307, 379 & other minor sections of the Indian Penal Code.

There is specific allegation against petitioner Nos. 1 & 3 of assaulting Amardeo Rai and Sanjeet Rai. Both the persons sustained injuries and the injuries found on their person corroborate the aforesaid allegation..

Therefore, this court is not inclined to grant anticipatory bail to petitioner Nos. 1 & 3 and accordingly, their



prayer for anticipatory bail stands rejected.

However, petitioner Nos. 1 & 3 are directed to surrender in the court below and seek regular bail and if petitioners do so, their regular bail application will be considered on its own merit without being prejudiced by this order.

So far petitioner Nos. 2 & 4 are concerned; there is general and omnibus allegation against these petitioners and hence, this anticipatory bail petition in respect of petitioner Nos. 2 & 4 is allowed. and it is ordered that the petitioner Nos. 2 & 4 named above, in the event of their arrest or surrender in the court below within four 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) each with two sureties of the like amount each in connection with Harsidhi P.S. Case No. 278 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran 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 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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