

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16050 of 2017

Arising Out of PS.Case No. -94 Year- 2016 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

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1. Kedar Prasad @ Virendra Prasad, son of late Narayan Prasad @ Narayan Mahto,
 2. Kishun Mahto, son of late Somar Mahto @ Soman Mahto, both resident of village- Sipah, Police Station- Deepnagar, District- Nalada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 28-06-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Deepnagar P.S. Case No.94 of 2016 instituted for the offence under Section(s) 147, 148, 149, 341, 323, 504, 324, 307 Indian Penal Code and Section 27 of the Arms Act.

It has been submitted on behalf of the petitioners that there is general and omnibus allegation against them. It has further been submitted that co-accused with similar allegation has been granted bail by a co-ordinate Bench of this Court by order dated 23.02.2017 passed in Cr. Misc. No.48918 of 2016.

Case diary has been received.

Learned APP has submitted that although there is injury report with regard to two injured persons having sustained



fire arm injury, there is general and omnibus allegation against all the accused persons. There is no specific allegation of overt act against these petitioners.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Deepnagar P.S. Case No.94 of 2016, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda, 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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