

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34000 of 2017

Arising Out of PS.Case No. -52 Year- 2015 Thana -KAWAKOLE District- NAWADA

- =====
1. Sanjay Sudhari son of Late Musafir Sudhari.
 2. Ajay Sudhari son of Hari Sudhari. Both Resident of Village-Bhikhampur, P.S. Rupau, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-09-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Kawakole (Rupau) P.S. Case No. 52 of 2015 instituted for the offence under Sections-353, 506 of the Indian Penal Code.

Counsel for the petitioners has submitted that the instant case has been filed due to previous enmity and a counter case bearing Kauakol P.S. Case No. 53 of 2015 has been filed by Kari Devi, wife of Daya Ram Sudhari with allegation of attempting to outrage her modesty for the offence u/S 354 of the IPC and 3(i)(xi)(xii) of SC/ST (Prevention of Atrocities) Act.

In the instant case, there is allegation against the petitioner No. 1 of assaulting Ajay Sah on his head with Lathi and allegation against petitioner No. 2 is of assaulting the informant on his thigh with Lathi.



The learned Sessions Judge has mentioned in the impugned order that no injury report is available in the case diary.

The case diary has been received.

The learned APP also did not find any injury report in the case diary.

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 in Kawakole (Rupau) P.S. Case No. 52 of 2015 to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Nawada 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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