

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40439 of 2017

Arising Out of PS.Case No. -148 Year- 2017 Thana -SAUR BAZAR District- SAHARSA

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1. Ravindra Sharma, son of Dinesh Sharma,
 2. Ramesh Sharma, son of Baldeo Sharma,
 3. Raja Sharma, son of Baldeo Sharma,
 4. Baldeo Sharma @ Baldeo Sutiari, son of late Moti Sutiari, all of them are resident of Village- Tiri Bhagwanpur, P.S.-Sour Bazar, District- Saharsa.
 5. Rajo Sharma @ Rajendar Sharma, son of Bindeshwari Sharma, resident of Village- Khar Phulkaha, P.S.- Gamharia, Dist- Madhepura.
 6. Mukesh Sharma, son of Digambar Sharma, resident of village-Balia Gadia, P.S.- Bangaon, Dist- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh, APP
For the Informant : Mr. Ajit Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 02-11-2017

Heard learned counsel for the petitioners and learned

APP for the State as well as counsel for the Informant.

Petitioners apprehend their arrest in **Sour Bazar (Baijnathpur OP) P.S. Case No.148 of 2017** instituted for the offence under Section(s) 147, 148, 149, 427, 504, 506 Indian Penal Code and Section 27 of the Arms Act.

Counsel for the petitioners has submitted that there is no recovery of fire arms.

In the written report, it is alleged that in the night of 03.04.2017, all of a sudden Informant heard sound of firing and



came out of the house and saw all these petitioners armed with country made gun and other weapons damaging his boundary wall. The informant raised alarm upon which Chaukidar and other villagers came. All the accused persons abused and threatened to kill the informant and his entire family. Thereafter, they fled away.

Counsel for the Informant has appeared and opposed prayer for bail.

Case diary has been received.

Learned APP has submitted that statement of Chaukidar, Kishore Mandal, is available at para 7 of the case diary, wherein, he has not taken name of any of the 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 **Sour Bazar (Baijnathpur OP) P.S. Case No.148 of 2017**, 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, Saharsa**, 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.

JA/-

(Sanjay Priya, J)

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