

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53772 of 2017

Arising Out of PS.Case No. -229 Year- 2017 Thana -DESARI District- VAISHALI(HAJIPUR)

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1. Lagan Deo Ray @ Lagan Deo Ram, Son of late Ganu Ray
 2. Shambhu Ray, Son of Kagan Deo Ray @ Lagan Deo Ram
- Both are residents of Village- Saidpur Ganesh , P.S.- Bidupur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Babita Kumari, Advocate

For the Opposite Party/s : Mr. Amrendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER**

2 10-11-2017 Heard learned counsel for the petitioners and State.

The petitioners apprehend their arrest in connection with Desri P.S. case no. 229 of 2017 for the offence under Sections 147, 148, 149, 341, 323, 324, 325, 307, 120-B, 354 of the Indian Penal Code and Sections 25 (10b)a, 26/35 of the Arms Act.

Counsel for the petitioner submits that from perusal of the F.I.R., it appears that allegation against these petitioners are that they have demanded commission and threatened that in the event of default, they will not allow to carry construction work. It also appears from the F.I.R. that Md. Abdulla and others were involved in the actual commission of the assault and other mischief. There is no allegation of any overt act alleged against



these petitioners. He further submits that the petitioner have no criminal antecedent and considering the fardbeyan in its totality, the only allegation of threatening the informant of dire consequences. In view of the aforesaid, he submits that in a situation like the instant case against the petitioners, there is no specific overt act of any assault or commission of crime and the allegation of threatening is not sufficient to deny the privilege of bail to the petitioners.

Considering the totality of the facts situation, the petitioners, named above, in the event of arrest or surrender before the court below within one month from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desri P.S. case no. 229 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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