

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10245 of 2017

Arising Out of PS.Case No. -548 Year- 2016 Thana -SAHARSA District- SAHARSA

- =====
1. Mukesh Kumar @ Mukesh Kumar Jha, Son of Chandrakant Jha, Resident of Village Patuaha, Police Station Saharsa, District Saharsa.
 2. Shambhu Upadhyay, Son of Pramod Upadhyay, null
 3. Ramakant Upadhyay, Son of Pramod Upadhyay,
 4. Amaresh Pandey, Son of Naresh Pandey,
 5. Sudhir Kumar Shukla, Son of Navin Shukla.
 6. Surendra Tiwary @ Surendra Kumar Tiwary, Son of Late Tholai Tiwari @ Subh Narain Tiwari,
 7. Chiku Tiwary, Son of Late Tholai Tiwari @ Subh Narain Tiwari,
 8. Soni Pandey, Son of Giridhar Pandey
 9. Purusotam Tiwary @ Purusotam Kumar Tiwary @ Om Kumar, Son of Mahakant Tiwari,
 10. Shree Pandey @ Rishi Pandey, Son of Shivchandra Pandey @ Ramchandra Pandey, 2 to 10 are Resident of Village Bherdhari, Police Station Saharsa District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh

For the Opposite Party/s : Mr. Sri Binod Kumar 2

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 20-03-2017 Heard the parties.

The petitioners are apprehending his arrest in connection with Saharsa Sadar Police Station Case No.548 of 2016 registered for offences punishable under Sections 307 and 34 of the Indian Penal Code.

It is submitted on behalf of the petitioners that due to political rivalry, the petitioner has been implicated in this case and except firing there is no allegation against the petitioners and



there is case and counter case between the parties.

From perusal of the petition, it appears that except the petitioner No.5, 6, 7, 9 and 10 all other petitioners have criminal antecedent.

Heard learned A.P.P. also.

Having heard both sides and in view of submission as above, let the petitioner nos. 5 to 7, 9 and 10, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of C.J.M, Saharsa in connection with Saharsa Sadar Police Station Case No.548 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the police, otherwise, the prosecution is free to move for cancellation of their bail.

So far other petitioners (1 to 4 and 8) are concerned, I am not inclined to grant them anticipatory bail and they are directed to



surrender before the learned court below and make prayer for regular bail, which will be considered on its own merit without being prejudiced by the order of this Court.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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