

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8557 of 2017

Arising Out of PS.Case No. -145 Year- 2016 Thana -BALIA District- BEGUSARAI

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1. Abhijit Pathak Son of Subodh Chand Pathak, null
2. Abhishek Kumar, Son of Subodh Chand Pathak, both R/o Village -
Tulsi Tol, Paharpur, P.S. - Balliya District - Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-03-2017 This is an application for grant of anticipatory bail
for offences punishable under Sections 341, 323 and 307/34 of the
Indian Penal Code and Section 27 of the Arms Act.

Heard learned counsel for the petitioners.

It has been submitted on behalf of the petitioners that
as per F.I.R. petitioner fired upon the informant which hit his
hand. However, petitioner and informant are family members and
informant is the aunt of the petitioner and moreover, grand-mother
of the petitioner, who is also mother-in-law of the aunt, has stated
that husband of the informant has fired which hit the informant.

Heard learned A.P.P. also.

Having heard both sides, in view of the submission of



the learned counsel for the petitioners, petitioners are directed to surrender before the court below, i.e., learned C.J.M., Begusarai, in connection with Baliya P. S. Case no. 145 of 2016 and the court below, on their surrender, will release them on bail on furnishing bail bond of Rs.25,000/- (Twenty-five thousand only) each with two sureties of the like amount each to its own satisfaction, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and also subject to the conditions that (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the investigation and make themselves available before the police as and when required. (3) If after investigation any incriminating material, what has been stated in the F.I.R., is found against the petitioners, prosecution will be at liberty to move for cancellation of bail granted to the petitioners.

Accordingly, this application is allowed.

(Vinod Kumar Sinha, J)

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