

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33608 of 2017

Arising Out of PS.Case No. -250 Year- 2016 Thana -KUCHAIKOTE District- GOPALGANJ

- =====
1. Kushaldew Ram,
 2. Satendra Ram,

Both 1 & 2 are S/o-Late Kailash ram R/o Vill-Mathiya Khash P.S.-
Kuchaikot Dist.-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Adv.

For the Opposite Party/s : Mr. M.K. Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 26-07-2017 Before signing the order dated 24.07.2017, it transpires

that the petitioner no.2, Satendra Ram, is not a Chaukidar and, as

such, this Court has not put signature on the aforesaid order.

Accordingly, the bail order passed on 24.07.2017 will

be treated to be passed on today in the following terms.

Heard learned counsel for the petitioners and learned

counsel for the State.

In this case, the petitioners are apprehending their

arrest in connection with Kuchaikot P.S. Case No. 250 of 2016

registered for offences under sections 341, 323, 324, 379, 307,

504/34 of the Indian Penal Code.



As per allegation, the Informant had gone to meet the nature of call, when he was returning after meeting the same, the accused persons, namely, Kushaldew Ram and Satendra Ram intercepted him and after calling other accused persons assaulted the Informant.

Learned counsel for the petitioners submits that the present case is completely a false case, the reason is that the petitioner no.1 is the Chawkidar in the Irrigation Department, the persons of Informant's side, after demolishing the wall, were illegally catching the fish on which the petitioners intervened and the Informant side assaulted the petitioners causing injury to their family members.

Looking to the entire facts and circumstances of the case and the fact that the petitioner no.1 is the Chaukidar, let the petitioner no.1, namely, Kushaldew Ram, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, VII, Gopalganj in connection with Kuchaikot P.S. Case No. 250 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



However, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no.2. Accordingly, the prayer for anticipatory bail of the petitioner no.2, namely, Satendra Ram is rejected.

If the petitioner no.2 surrenders before the court below within a period of four weeks from today and prays for bail, the court below will consider the same and will pass orders in accordance with law on the same day of surrender without being prejudiced by this order.

(Shivaji Pandey, J)

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