

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62331 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -SHEIKHOPUR SARAI District- SEKHPURA

- =====
1. Ram Krishn Malakar, S/o Late Shiv Malakar,
 2. Piyari Devi, W/o Ram Krishn Malakar,
 3. Munni Kumari@Moni Kumari, D/o Ram Krishn Malakar, All are R/o Village- Mohabatpur, P.S.- Shekhopursarai, District- Shekhpura.
- Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Smt. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 20-12-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Sheikhopursarai P.S. Case No. 40 of 2017 instituted for the offence under Sections 147,341,323,307,379,504,506 of the IPC.

It is alleged in the written report that petitioner no. 1 assaulted the informant on his head with iron rod which caused him serious injury. The learned Sessions Judge in the impugned order has mentioned that two injuries have been found on the head of the injured person and after CT Scan, doctor opined fracture of frontal bone, to be serious in nature.

In such circumstances, this Court is not inclined to grant anticipatory bail to petitioner no. 1. Accordingly, the prayer of petitioner no. 1 of anticipatory bail is hereby rejected.

So far allegation against petitioner no. 2 and 3 are concerned there is no specific allegation of overt act against



these petitioners.

In such circumstances, prayer for anticipatory bail of petitioner no. 2 and petitioner no. 3 are allowed and it is ordered that the petitioners, named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Sheikhopursarai P.S. Case No. 40 of 2017 to the satisfaction of learned A.C.J.M., Sheikhpura subject to condition as laid down u/S 438 (2) of the 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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers 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.

(Sanjay Priya, J)

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