

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40635 of 2017

Arising Out of PS.Case No. -81 Year- 2017 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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1. Suman Kumar, Son of Suresh Mahto,
2. Suresh Mahto, Son of Late Anant Mahto,
Both R/o Village- Nandlalpur, P.S. and District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate

For the Opposite Party/s : Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 03-10-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Vaishali P.S.

Case No. 81 of 2017 instituted for the offence under Sections 147,

148, 149, 323, 308, 504, 506, 341 and 379 of the Indian Penal

Code.

It has been submitted that there is case and counter

case between the parties. The petitioner No. 2 has filed Vaishali

P.S. Case No. 73 of 2017 against the family members of the

informant in which the petitioners sustained injury and got treated

in Patna Medical College and Hospital. It has further been

submitted that the instant case has been filed after delay of four

days i.e. on 01.04.2017 although the occurrence is alleged to have



taken place on 27.03.2017.

In the written report it is alleged that the petitioners along with other co-accused persons assaulted the informant causing injury to her and his family members as named in the written report.

Case diary has been received.

The injury report of Somani Devi, Aniya Devi and Munni Devi (informant) is available in the case diary but the opinion has been kept reserved. It is mentioned in the injury report that the patients were referred to Sadar Hospital, Hajipur.

Learned counsel for the informant has appeared and opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Vaishali P.S. Case No. 81 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to the conditions as laid down under Section 438 (2) 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 date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper 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.

S.Ali/-

(Sanjay Priya, J)

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