

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18965 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -BUXAR MUFFSIL District- BUXAR

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1. Ashok Mallah,
 2. Raj Grih Mallah
 3. Raju Mallah All are sons of Nathuni Mallah @ Nathuni Choudhary, All are Resident of Village- Isari Sriram, P.S.- Buxar (Muffasil), District- Buxar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 22-05-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Buxar (Muffasil) P.S. Case No. 40 of 2017 for the offences punishable under sections 147, 148, 149, 341, 323, 504 and 307 of the I.P.C and section 27 of the Arms Act.

Allegedly, the petitioners and other FIR named accused persons started abusing the informant and when he forbade, all started assaulting him and when he raised alarm then Visheshwar Prasad Keshri, Pappu Keshri and the father of the informant came for rescue then they were also assaulted by them by lathi, danda and the pieces of bricks. Co-accused Jai Prakash



Mallah opened fire also.

Submission is of false implication and that against the petitioners there is no specific allegation, the allegations are omnibus and general in nature, the injured were examined on 24.02.2017, whereas, FIR was lodged on 25.02.2017, the injury reports are manufactured one, no reliance can be placed on such injury report, against the petitioners there is no specific allegation and as such they deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners.

In the facts and circumstances as stated above, considering that against the petitioners there is no specific allegation for causing any injury and as such the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of a 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 to the satisfaction of. C.J.M. Buxar in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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