

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53769 of 2017

Arising Out of PS. Case No. -151 Year- 2017 Thana -SIMRI District- BUXAR

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1. Rajesh Kushwaha, Son of Ganesh Kushwaha
 2. Bir Bahadur Kushwaha, Son of late Jagdish Kushwaha
 3. Babun Kushwaha, Son of late Mahendra Kushwaha
 4. Sudheshwar Kushwaha, son of Dindayal Kushwaha
 5. Nathuni Kushwaha, Son of late Mahendra Kushwaha
 6. Motilal Kushwaha, Son of Dina Nath Kushwaha
 7. Subhash Kushwaha, Son of Uma Kushwaha
 8. Uma Shankar Kushwaha @ Uma Kushwaha, Son of Ram Dutta Kushwaha
 9. Ram Ashish Kushwaha, Son of late Sahabadi Kushwaha
 10. Shyam Lal Kushwaha, Son of late Inar Kushwaha
 11. Om Prakash Kushwaha, Son of Shyam Lal Kushwaha
 12. Mudrika Kushwaha, Son of Dina Nath Kushwaha
 13. Lala Kushwaha, Son of Ram Deo Kushwaha
 14. Chochan Kushwaha, Son of Daya Kushwaha
 15. Daya Shankar Kushwaha, Son of Sidh Nath Kushwaha
 16. Kailash Kushwaha, Son of Sona Kushwaha
- All residents of Village- Majhwari, P.S. Simari, District Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate

For the Opposite Party/s : Smt. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 10-11-2017

Heard learned counsel for the petitioners and State.

The petitioners apprehend their arrest in connection with Simri P.S. case no. 151 of 2017 for the offence under Sections 363/370 of the Indian Penal Code.

Counsel for the petitioners submits that during the pendency of this application, petitioner no.1, namely, Rajesh Kushwaha, has been arrested and as such the petition on his behalf



has become infructuous.

So far as petitioner nos. 2 to 16 are concerned, learned counsel submits that in the instant case the informant has implicated 35 persons as accused. He further submits that the allegation of assault by lathi is leveled against Rajesh Kushwaha, who has been arrested, Muni Ji Kushwaha, Diwakar Kushwaha and Prabhakar Kushwaha. There is no specific overt act against any of the petitioners other than petitioner no.1, whose petition for anticipatory bail has become infructuous on account of his arrest. He submits that in view of the aforesaid, the petitioners deserve anticipatory bail.

Counsel for the State after going through the allegation leveled in the fardbeyan admits this factual position that there is no overt act against these petitioners.

Considering the aforesaid facts and the fact that the petitioners have no criminal antecedent, as per the statement made on oath in para 3 of this petition, petitioner nos. 2 to 16, named above, in the event of arrest or surrender before the court below within one month from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the amount each to the satisfaction of Chief Judicial Magistrate, Buxar in connection with Simari P.S.



case no. 151 of 2017 subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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