

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60261 of 2018

Arising Out of PS. Case No.-50 Year-2017 Thana- Yadopur District- Gopalganj

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1. Sadhu Kuwar son of Mohanti Kuwar
2. Ajay Kuwar son of Sadhu Kuwar
Both are resident of village – Baraipatti, P.S. - Yadopur, District –
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh
For the Opposite Party/s : Mr. Chaubey Jawahar

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 28-09-2018 Heard Sri Lokesh Kumar Singh, learned counsel for
the petitioners and Sri Chaubey Jawahar, learned Addl. Public
Prosecutor.

Two petitioners, apprehending their arrest in Yadopur
P.S. Case No. 50 of 2017 registered for offence under Sections
420, 406, 323/34 of the Indian Penal Code, have prayed for
grant of bail in the event of their arrest or surrender.

At the very outset, learned counsel for the petitioners
has drawn my attention to statement made in paragraph – 3 of
the petition to show that petitioners are having clean antecedent.
He further submits that present F.I.R. was lodged on the basis of
complaint petition i.e. Complaint Case No. 983 of 2017, which
was referred to the police under Section 156(3) of the Code of



Criminal Procedure, 1973 (for short 'Cr.P.C.') for its registration and investigation. By way of referring to complaint petition, which is the basis of F.I.R., it has been argued that in a nature of civil dispute, colour of criminal offence has been given.

Besides hearing, I have also perused the material on record and after going through the same, I am of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let both petitioners namely Sadhu Kuwar and Ajay Kuwar be enlarged on 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 Judicial Magistrate Ist Class, Gopalganj in connection with Yadopur P.S. Case No. 50 of 2017, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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