

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74420 of 2018

Arising Out of PS. Case No.-233 Year-2018 Thana- MIRGANJ District- Gopalganj

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1. Guddu Baitha, Son of Shiva Shankar Baitha
 2. Deo Nath Manjhi, Son of Singheshar Manjhi
 3. Deepu @ Deepak Baitha, Son of Om Prakash Baitha,
- All are Resident of Village- Badarjimi, Ward No.16, P.S. Mirganj, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Singh Shastriji, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-12-2018 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in connection with Mirganj P.S. Case No. 233 of 2018 for the offence under Sections 147, 148, 149, 307, 504, 324, 325 of the Indian Penal Code and Section 27 of the Arms Act.

Considering the fact that petitioner no.1, namely, Guddu Baitha, has got no criminal antecedent and there is no allegation of overt act against him, the petitioner no.1, namely, Guddu Baitha, in the event of arrest or surrender before the court below within one month from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees



ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gopalganj in connection with Mirganj P.S. Case No. 233 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as petitioner nos. 2 and 3 are concerned, the Court having regard to their past criminal antecedent is not inclined to grant anticipatory bail to them. Accordingly, their prayer for grant of anticipatory bail is rejected.

In the event, the petitioner nos. 2 and 3 surrender before the court below and pray for regular bail, the court below is directed to dispose of the application for grant of bail on the same day on its own merit without being influenced by the rejection of anticipatory bail application by this Court. While considering the prayer for grant of regular bail, the court below is expected to consider the fact that there is case and counter case and both sides have sustained injury.

(Anil Kumar Upadhyay, J)

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