

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74256 of 2018

Arising Out of PS. Case No.-293 Year-2018 Thana- GOGRI District- Khagaria

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1. Rahul Kumar
 2. Nikolash Kumar @ Nikolas Kumar
 3. Bishal Kumar @ Bisal Kumar
 4. Kunal Kumar All Sons of Lalan Patel
 5. Lalan Patel Son of Late Kishun Patel All Resident of Village- Katghara
Diyara, P.S.-Gogri, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Gogri P.S. Case No. 293 of 2018, disclosing offence under Sections 447, 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code.

There is allegation that when the informant was engaged in construction work of his house on the land belonging to his share, the accused persons came and assaulted him and his family members. They are said to have taken away certain articles also as alleged in the FIR.

Learned counsel appearing on behalf of the petitioners has submitted that for the same occurrence, which is said to have taken place on 02.09.2018, a counter case has also been registered, which



has been numbered as Gogri P.S. Case No. 294 of 2018.

He has also submitted that no offence under Section 307 of the IPC can be said to be constituted, even if the allegation, as contained in the FIR, is treated to be correct.

I find substance in the submission so advanced.

Considering the above submission, this application is allowed. The petitioners, above named, in the event of their arrest or surrender before the Court within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Khagaria in connection with Gogri P.S. Case No. 293 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Pawan/Ragini/-

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