

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9968 of 2018

Arising Out of PS. Case No.-384 Year-2017 Thana- BAKHTIARPUR District- Saharsa

1. Mintu Swarnkar, son of Narain Swarnkar.
2. Sintu Swarnkar, Son of Narain Swarnkar.
3. Narain Swarnkar, Son of Late Durga Swarnkar, All are resident of Village- Balba-hat, P.S.- Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Opposite Party/s : Mr. SRI AHTASH ALI KHAN

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 21-02-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Bakhtiarpur (Balwa hat O.P.) P S case no. 384 of 2017 instituted for the offence under Section(s) 341, 323, 324, 307, 379, 354A, 504 & 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners has submitted that there is case and counter case between the parties. Petitioner no. 2 has lodged Bakhtiarpur (Balwa hat O. P.) P. S. case no. 385 of 2017 for the same date of occurrence against the informant and his other family members.

In the instant case, there is allegation that these petitioners along with others made indiscriminate firing causing injury to



the informant and his other family members.

The learned Sessions Judge has mentioned in the impugned order that the injury report has been mentioned in para 38 of the case diary which shows that the injury was not on any vital part of the body and nature of injury was simple.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Bakhtiarpur (Balwa hat O.P.) P S case no. 384 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the CJM Saharsa, subject to the conditions as laid down under Section 438(2) Cr. P.C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of



the petitioners.

(Sanjay Priya, J)

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