

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35966 of 2018

Arising Out of PS. Case No.-1442 Year-2008 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Ashok Singh, S/o Gena Singh,
 2. Gena Singh, S/o Dhodhai Singh,
 3. Rasik Singh @ Ram Prabesh Singh @ Rasik Lal Singh, S/o Dhana Singh,
 4. Dhana Singh, S/o Mahavir Singh,
 5. Vijal Singh, S/o Dashrath Singh
 6. Vijay Singh, S/o Boran Singh,
 7. Borhan Singh @ Borah Singh, S/o Shibu Singh,
 8. Sorahan Singh @ Sodhan Singh, S/o Shibu Singh, All R/o Village- Kaithi, P.S.- Chautham, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Tribhuwan Singh @ Tiro Singh, S/o Late Lakhan Singh, Resident of Village- Tegachhi, P.S.- Chautham, District- Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai
For the Opposite Party/s : Mr. Sri Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 24-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Complaint Case No.
1442 (C) of 2008 instituted for the offence under Section(s)
148, 149, 427, 447, 341, 307 and 302/34 of the Indian Penal
Code.

Learned counsel for the petitioners has submitted that
there is specific allegation in the complaint petition which was
sent to the police station under Section 156(3) Cr. P.C. against



co accused Jai Prakash Singh of causing fire arm injury to the father of the informant. There is general and omnibus allegation against these petitioners.

A report was called for from the Court below whether process under Sections 82 and 83 Cr. P.C. has been issued or not. The report has been received wherein it is mentioned that no process under Sections 82 and 83 Cr. P.C. has been issued against these petitioners. It has further been submitted that delay has occurred because earlier Revision petition being Cr. Rev. no. 967 of 2011 was filed before this Hon'ble Court which was dismissed as withdrawn by this Court vide order dated 17.02.2014. It has further been submitted that similarly situated other ten accused persons have already been granted anticipatory bail by a coordinate Bench of the Court vide order dated 18.7.2016, passed in Cr. Misc. no. 17618 of 2016.

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 Complaint Case No. 1442(C) of 2008, 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



learned SDJM, Khagaria, 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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