

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40892 of 2018

Arising Out of PS.Case No. -74 Year- 2018 Thana -HATHUA District- GOPALGANJ

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1. SUMIT @ GITTU @ GILTU @ SUNIL S/o - Ashok Prasad Gupta @ Ashok Kumar

2. Ritesh @ Pintu @ Pintu Gupta S/o Lakshman Prasad Gupta All R/o Vill. - Naya Bazar, P.S. Hathua, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagannath Singh

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-07-2018 The petitioners are apprehending their arrest in connection with Hathua P.S. Case No. 74 of 2018, registered for offences punishable under Sections 341, 323, 324, 308, 379, 504/34 of the Indian Penal Code.

Allegation against the petitioner no.1 is of assault by farsa on the head of the husband of the informant and against petitioner no.2 of snatching of chain.

It has been submitted on behalf of the petitioners that there is a case and counter case between the parties. His case was lodged earlier and so far petitioner no.2 is concerned, there is no allegation of assault against him and against petitioner no.1, he assaulted the husband of the informant by farsa.



Heard learned A.P.P. and learned counsel for the informant, who oppose the bail application of the petitioners by stating that the injuries of the husband of the informant were found grievous.

Having heard both sides, in view of the above facts, so far petitioner no.1 is concerned, I am not inclined to grant him privilege of anticipatory bail rather he should surrender before the court below and pray for regular bail, which will be considered by the court below on the merit of the case.

So far petitioner no. 2 is concerned, let the petitioner no. 2, namely, Ritesh @ Pintu @ Pintu Gupta, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Hathua P.S. Case No. 74 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, as well as subject to the following conditions, it is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable



property within the jurisdiction of the concerned Court.

- (ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds

(Vinod Kumar Sinha, J)

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