

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47606 of 2018

Arising Out of PS. Case No.-25 Year-2018 Thana- PALANWA District- East Champaran

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1. Shivji Prasad, S/o Late Shankar Sah.
 2. Pappu Kumar @ Pappu Sah, S/o Ramadhar Sah,
 3. Kailash Sah, S/o Late Jagarnath Sah.
 4. Ganesh Kumar, S/o Ramadhar Sah,
 5. Saraswati Devi, W/o Ramadhar Sah, all are R/o Village-
Anandiganj, P.S.- Palanwa (Bhelahi O.P.), Dist.- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Mr. Smt. Asha Devi

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 30-08-2018 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

Petitioners apprehend their arrest in Palanwa (Bhelahi
o.P.) P. S case no. 25/2018 instituted for the offence under
Section(s) 147, 148, 342, 323, 324, 379,427, 504 and 307 of
the Indian Penal Code.

Learned counsel for the petitioners seek permission to
withdraw the petition with respect to petitioner no.2, namely,
Pappu Kumar @Pappu Sah since he has already been arrested.

Accordingly, the petition with respect to petitioner no.2 is
dismissed as withdrawn.

Learned counsel for the petitioners has submitted that there



is case and counter case between the parties. Injury has been sustained from both parties. The prosecution side has assaulted the petitioner no.3, namely, Kailash Sah brutally for which Kailash Sah has lodged Palanwa (Bhelahi) P.S. case no. 24 of 2018 against the informant and others.

In the instant case, there is allegation against petitioner nos. 1 and 3 of assaulting the informant and his brother with farsa on their head. The injury reports of both the injured have been annexed as Annexure-3 series which show that they have sustained simple injury in their person.

There is general and omnibus allegation against petitioner nos. 2, 4 and 5.

In the facts and circumstances of the case, prayer of the petitioner nos. 1,3,4, and 5 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner nos. 1, 3, 4 and 5, named above, within six weeks from today in connection with Palanwa (Bhelahi o.P.) P. S case no. 25/2018, petitioner nos. 1,3,4 and 5 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 SDJM Raxaul, at Motihari, East Champaran, 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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