

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68418 of 2018

Arising Out of PS. Case No.-136 Year-2018 Thana- AANDAR District- Siwan

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1. Dinanath Sah, Son of Nandlal Sah,
 2. Om Prakash Sah, Son of Nandlal Sah,
 3. Mungalal Sah, Son of Madan Sah,
 4. Pradeep Sah @ Pradeep Kumar Sah, Son of Gaya Sah,
 5. Chotelal Sah, Son of Gaya Sah,
 6. Prakash Sah @ Prakash Kumar, Son of Parmatma Kalwar, All the above are Resident of Village- Usari Bujurg, P.S.- M.H. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar
For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-12-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State as well as informant.

Petitioners are apprehending arrest in connection with Andar (M.H. Nagar) P.S. Case No. 136 of 2018 for the offence under sections 147, 341, 323, 307, 506, 447 of the Indian Penal Code and under section 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners have no criminal antecedent.

He further submits that there is omnibus allegation against the petitioners.

Learned counsel appearing on behalf of the



informant submits that there is specific allegation of firing against Dinanath Sah and Chotelal Sah.

Considering the aforesaid, the Court is not inclined to grant privilege of anticipatory bail to Dinanath Sah and Chotelal Sah. Their application for grant of anticipatory is rejected. However, rejection of their case for grant of anticipatory bail will not cause any prejudice.

In the event they surrender and pray for regular bail before the court below, the court below is directed to dispose of the application for regular bail on the same day on its own merit without being influenced by dismissal of their anticipatory bail by this court.

So far as petitioner nos. 2, 3, 4 and 6 are concerned, the court on consideration of fact that they have no criminal antecedent and there is no specific allegation of any overt act, is inclined to grant bail, let the petitioners, namely, Om Prakash Sah, Mungalal Sah, Prakash Sah @ Prakash Kumar and Pradeep Sah @ Pradeep Kumar Sah in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate-IX, Siwan, in connection with Andar (M.H. Nagar) P.S. Case No. 136 of 2018 subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Anil Kumar Upadhyay, J)

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