

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68027 of 2018

Arising Out of PS. Case No.-177 Year-2018 Thana- ALOULI District- Khagaria

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1. Sita Ram Sah @ Sita Ram Sahu Son of Late Surju Sah
 2. Varun Sah @ Varun Kumar Sah Son of Nakul Sah
 3. Mithilesh Sah @ Mithlesh Sah @ Mithlesh Kumar Sah Son of Nakul Sah
 4. Nakul Sah Son of Late Gena Sah
 5. Mukesh Sah Son of Lawte Bishnudeo Sah
 6. Gainchu Sah @ Gechu Sah Son of Sita Ram Sah
 7. Ramesh Sah Son of Late Surju Sah All Resident of Village-Larhi, P.S. Allouli, Distt.-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2018 Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.6, as the petitioner No.6 has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn.

Heard learned counsel for the petitioners No.1 to 5 and 7 and learned APP for the State.

The petitioners No.1 to 5 and 7 are apprehending their arrest in a case registered under Sections 341, 323, 427, 504, 307/34 of the Indian Penal Code and 27 of the Arms Act.

Allegation is that the accused persons including the



petitioners assaulted the informant by means of lathi and danda, due to which he sustained injuries and accused Babloo Sah made firing twice on the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The nature of injury is said to be simple. Hence, no offence under Section 307 of the I.P.C. is made out. Rest of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners No.1 to 5 and 7, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,, Khagaria in connection with Allouli P.S. case No.177 of 2018 (G.R. No.1600 of 2018), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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