

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55788 of 2017

Arising Out of PS.Case No. -93 Year- 2017 Thana -MANJHI District- SARAN

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1. Ramakant Prasad,
2. Santosh Prasad,
3. Rajnikant Prasad,
All sons of Swaminath Prasad,
All resident of Village- Ekdegawa, P.S.- Manjhi, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Kumar, Advocate.
Mr. Santosh Kumar, Advocate.
For the informant : Mr. Chandra Mohan Jha, Advocate.
For the State : Mr. Ram Sevak Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 30-01-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Manjhi P.S.**

Case No. 93 of 2017 instituted for the offence under Sections 341, 323, 324, 307, 379 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that there is case and counter case between the parties. The counter case has been filed by father of petitioners vide Manjhi P.S. Case No. 96 of 2017 against the informant and his family members. In that case, petitioner Nos. 2 and 3 have also sustained injury. The injury report of petitioner Nos. 2 and 3 have been enclosed as Annexure-3.

In the instant case there is allegation that these petitioners abused the informant and assaulted him with *lathi, danda, rod, sword*



etc. causing injury to the informant. The informant was taken to Ekma Hospital for treatment from where he was referred to Chapra Sadar Hospital.

The injury report of the informant has been enclosed as Annexure-3 wherein the Doctor has found total 12 injuries on his person but all the injuries were found to be simple in nature except injury No. 10, for which, the opinion has been kept reserved.

This Court is of the view that grant of benefit of protection under Section 42(1) Cr. P.C. is not police bail. It is simply interim protection. Therefore, anticipatory bail petition is maintainable.

In such circumstances, keeping in view that there is case and counter case between the parties and there is injury from both sides, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Manjhi P.S. Case No. 93 of 2017**, 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 **learned Chief Judicial Magistrate, Saran at Chapra**, 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 their absence on two consecutive dates without proper and reasonable reason will be



liable to cancel their bail bond 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.

It is made clear that petitioner will appear before the police and cooperate during investigation, otherwise, his bail will be liable to be cancelled.

(Sanjay Priya, J)

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