

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39174 of 2018

Arising Out of PS.Case No. -599 Year- 2017 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

- =====
1. Om Prakash Das, S/o Late Parsuram Das, R/o Vill.- Balbhadrapur, Dudhpura, P.S.- Muffasil, District- Samastipur.
 2. Krishna Kumar Das, S/o Late Parsuram Das, R/o Vill.- Balbhadrapur, Dudhpura, P.S.- Muffasil, District- Samastipur.
 3. Sanju Devi, W/o Krishna Kumar Das, R/o Vill.- Balbhadrapur, Dudhpura, P.S.- Muffasil, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr. Ahtash Ali Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 05-07-2018

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Samastipur Muffasil P.S. Case No.599 of 2017** instituted for the offence under Section(s) 147, 149, 323, 325, 341, 354-B, 379, 504 and 506 of Indian Penal Code.

Counsel for the petitioners submits that there is case and counter case between the parties. Co-accused, Nathuni Das, has also filed a case against the informant and others vide Samastipur Muffasil P.S. Case No.598 of 2017 and the present case is counter blast to the aforesaid case.



In the instant case, there is general and omnibus allegation against petitioner No. 1 and 3. Allegation against petitioner No. 2 is that he assaulted the informant with *lathi* causing fracture injury in hand. In such circumstances, allegation of assault against petitioner no. 2 is not on the vital part of the body.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Samastipur Muffasil P.S. Case No.599 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 the **Additional Chief Judicial Magistrate-I, Samastipur**, 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 bonds 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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