IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65224 of 2018

Arising Out of PS.Case No. -235 Year- 2018 Thana -MIRGANJ District- GOPALGANJ

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1. Abinash Mallah @ Abinash Sahani, S/o Ram Pravesh Mallah,
2. Jugal Mallah @ Jugal Sahani, S/o Bishwanath Mallah,
3. Jitendra Mallah S/o Sri Ram Mallah,
4. Manoj Kumar Sah @ Manoj Sah, S/o Sri Kripal Sah,
5. Sudama Prasad @ Sudama Mallah, S/o Janak Mallah &
6. Jiut Sah @ Ram Chandra Prasad, S/o Late Mahni Sah

All Residents of Village-Badarjimi, P.S. Mirganj, District-Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.
For the Opposite Party/s : Mr. Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-10-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 307, 380, 504, 427, 435 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, in brief, is that the petitioners in association with co-accused persons forming an unlawful assembly and with common intention having armed with fire-arms, Lathi-Danda and sword entered the house of informant and opened fire from their respective guns. Assault was also made by the accused persons.

It has been submitted on behalf of the petitioners that the

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petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. There is case and counter case between the parties. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands. From the order of the Sessions Court, it is evident that the prosecution had failed to produce the injury report before the Sessions Court.

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

Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Mirganj P.S. Case No. 235 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

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