

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9074 of 2018

Arising Out of PS. Case No.-179 Year-2015 Thana- SATHI District- West Champaran

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1. Rajdeo Sah Son of Late Harihar Sah,
 2. Rajendra Sah Son of Late Sakal sah,
 3. Nasima Khatoon Wife of Jahangir Miyan,
 4. Tasmul Khatoon Wife of Alamgir Miyan,
 5. Hasina Khatoon, Daughter of Raseed Miyan All Resident of Village-Daniyal Parsauna, P.S.-Sathi, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Sri Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-04-2018 After some arguments, the learned counsel for the petitioners seeks permission to withdraw the present petition as far as the petitioner No. 1 is concerned in view of the said accused person having criminal antecedent.

The petition qua petitioner No. 1 is dismissed as withdrawn.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sathi P.S. Case No. 179 of 2015 registered for the offence punishable under Sections 147, 148, 149, 323, 324, 307, 379, 448, 504 of the Indian Penal Code and subsequently,



Section 302 of the Indian Penal Code was added.

Now coming to the merits of the case, the case of the prosecution is regarding the accused persons having assaulted the informant side resulting in them sustaining injuries.

The learned counsel for the petitioners submits that as far as the petitioners herein are concerned, the police had submitted final form as against them, however, upon a protest petition filed by the informant, the learned trial court has taken cognizance against them. It is further submitted that admittedly, there is no allegation of any overt act as against the petitioners herein, hence, the privilege of anticipatory bail be granted to them. Lastly, it is submitted that as far as the Petitioner No. 2 to 5 are concerned, they are having a clean antecedent.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail and has pointed out that the Petitioner No. 1 is having a criminal antecedent.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner Nos. 2 to 5 above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand)



each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, VII, Bettiah, West Champaran in connection with Sathi P.S. Case No. 179 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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