

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31493 of 2018

Arising Out of PS. Case No.-12 Year-1998 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Gulab, S/o Sk. Kasim @ Kasim,
2. Pappu S/o Sk. Kasim @ Kaim, Both R/o Vill.- Pakahi, P.S.-
Adanpur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Md. Khursid Ajj S/o Dr. M.A. Rahman, R/o Vill.- Pakahi, P.S.- Adapur,
District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 28-06-2018 Heard the learned counsel for the petitioners
and the State.

The petitioners seek bail in anticipation of their arrest in connection with Sessions Trial No. 305 of 2018, arising out of Protest Complaint Case No. C12 of 1998 instituted for the offences under Sections 147, 148, 323, 341, 342, 379 and 307 of the Indian Penal Code.

With respect to the same occurrence, earlier an FIR vide Adapur P.S. Case No. 8 of 1995 was lodged by the informant. The aforesaid case, on investigation, was found to be false. Later the protest petition was treated



as complaint and cognizance was taken against the petitioners way back in the year 2002.

Learned counsel for the petitioner has submitted that from the perusal of the complaint petition only it would appear that the petitioners are only alleged to have take part in the assault but nothing specific has been alleged against them. They are also alleged to have identified the agents of the rival candidate in the election who was later assaulted. Learned counsel for the petitioners further submits that after the cognizance was taken in this case, they were never summoned till about 2017.

Considering the nature of accusation as also taking into account that the occurrence took place sometime in the year 1995, the petitioners above named are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari in connection with Sessions Trial No. 305 of 2018 arising out of Complaint Case No. C12 of 1998, subject to the conditions as laid down under Section



438(2) Cr.P.C.

(Ashutosh Kumar, J)

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