

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44309 of 2018

Arising Out of PS. Case No.-139 Year-2015 Thana- NAUBATPUR District- Patna

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1. Mukesh Kumar, S/o Sahjanand Yadav,
 2. Sahjanand Yadav S/o Late Ram Sundar Rai,
 3. Ranju Devi D/o Sahjanand Yadav,
 4. Gudiya Devi W/o Mukesh Kumar , All R/o Vill.- Alipur Karanja,
P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar
For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Naubatpur P.S. case
no. 139 of 2015 instituted for the offence under Section(s) 448,
323, 504, 354, 509/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
the instant case is counter blast of Naubatpur P.S. case no. 44 of
2015 filed on 29.1.15 by petitioner no.2 alleging that the
informant of the present case and other family members had
assaulted the petitioner no.2 and forced him to leave his house.
The alleged occurrence took place on 28.1.2015 and the written
report was filed on 10.3.2015 i.e. after the delay of 41 days.



Learned counsel for the petitioners has further submitted that petitioners are next door neighbours and they are gotiya. They have falsely been implicated in this case due to previous enmity between the parties.

In the written report there is general and omnibus allegation against these petitioner.

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 Naubatpur P.S. case no. 139 of 2015, 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 ACJM-II Danapur, Patna, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners 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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