

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.976 of 2018

Arising Out of PS.Case No. -98 Year- 2017 Thana -TRIVENIGANJ District- SUPAUL

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1. Dinesh Mukhiya, son of Late Panchu Mukhiya,
2. Dilip Mukhiya, son of Pancha Mandal,
Both are resident of village- Khiriya, Police Station- Tribeniganj, District-
Supaul.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun, Advocate.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 21-05-2018 Heard learned counsel for the Appellants and learned
Spl. P.P. for the State.

This Appeal has been preferred against the impugned
order dated 30.01.2018 passed by the learned **A.D.J. 1st, Supaul,**
in connection with Tribeniganj P.S. Case No. 98 of 2017
registered for the offence under Sections 348, 323, 354, 379,
504/34 of the Indian Penal Code and Section 3 (i) (x) of SC/ST
Act by which the prayer for anticipatory bail of the Appellants has
been rejected.

It has been submitted on behalf of the Appellants that
occurrence has taken place on 21.03.2017 whereas the case has
been filed on 25.03.2017 i.e. after lapse of four days. It has further



been submitted that there is general and omnibus allegation against the Appellants. There is land dispute between the parties.

Learned counsel for the Appellants has further submitted that dead man Shiv Narayan Mukhiya has also been made accused in the case which shows false implication of the accused persons in the case.

From the allegation in the written report it appears that there is general and omnibus allegation against the Appellants. There is delay of four days in lodging the First Information Report.

In the facts and circumstances of the case, this Appeal is allowed and the impugned order 30.01.2018 passed by the learned A.D.J. 1st, Supaul, in connection with Tribeniganj P.S. Case No. 98 of 2017 is hereby set aside.

Let the Appellants above named in the event of surrender/arrest within six weeks from today, in connection with **Tribeniganj P.S. Case No. 98 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 learned **A.D.J. 1st, Supaul**, 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) Appellants 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 bond and (3) if Appellants 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 Appellants.

(Sanjay Priya, J)

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