

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16823 of 2018

Arising Out of PS.Case No. -194 Year- 2015 Thana -UCHAKAGAON District- GOPALGANJ

- =====
1. Kamalesh Sah, son of late Jyotish Sah @ Jotish Sah, resident of village Arana, P.S. Uchkagaon, Distt. Gopalganj.
 2. Raj Kumar Sah, son of Yogendra Sah, resident of village Hirnda, P.S. Kuchaykote, Distt. Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate.

For the Opposite Party/s : Mr. Nand Kishore Pd., A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-07-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Uchakagaon P.S.**

Case No. 194 of 2015 instituted for the offence under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that petitioners are not named in the First Information Report. His name has been disclosed by the informant in his further statement raising suspicion against them. Petitioner No. 1 is brother-in-law (*Sala*) and petitioner No. 2 is *Saarhu* of the deceased.

Case diary has been received.

The injury report is available in paragraph-31 of the case diary wherein the Doctor has found only one abrasion and cause of death has been opined due to haemorrhage and shock caused by hard and blunt substance. In the entire case diary there is no allegation of



any specific overt act against the petitioners.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Uchkagaon P.S. Case No. 194 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 learned **Additional Chief Judicial Magistrate-IX, Gopalganj**, 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond 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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