

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47979 of 2018

Arising Out of PS. Case No.-152 Year-2018 Thana- BALIA District- Begusarai

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1. Gopal Rastogi @ Gopal Prasad Rastogi, S/o Late Kedar Rastogi,
 2. Satyam Rastogi @ Satyam Kumar S/o Gopal Prasad,
 3. Shivam Rastogi @ Shivam Kumar Rastogi S/o Gopal Rastogi,
- All are R/o Vill.- Chhoti Ballia, P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Md. Arif

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 08-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Ballia P.S. case no.
152 of 2018 instituted for the offence under Section(s) 447,
341, 323, 504, 384 and 380/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
petitioners and informant are own gotiya. Petitioner no.1 is the
younger brother of the informant. Petitioner nos. 2 and 3 are
nephew of the informant. The case has been filed due to land
dispute between the brothers. It is further submitted that earlier
also informant has filed a case against the petitioner no.1 vide
Ballia P.S. case no. 278 of 2017, in which, the petitioner has



been granted bail.

In the written report, there is allegation that petitioner nos. 1, 2 and 3 arrived at the shop and made demand of Rangdari and abused the informant by showing fire arm. It is also alleged that petitioner no.1 pointed fire arm on the head of informant. Out of fear, informant gave Rs. one lac to petitioner no.1

In such circumstances, there is general and omnibus allegation against the petitioners.

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 Ballia P.S. case no. 152 of 2018, 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 CJM, Begusarai, 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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