

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17857 of 2018

Arising Out of PS.Case No. -57 Year- 2014 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Harendra Prasad S/o Nagendra Prasad
2. Gulteni Prasad S/o Asuni Prasad @ Ashwin Mahto both residents of
village - Baluwa, P.S. - Paharpur, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 09-04-2018

Heard both sides.

The petitioners apprehend their arrest in connection with Paharpur P.S. Case No. 57 of 2014 registered under Sections 341, 323, 324, 326, 307, 147, 148, 149, 427 and 429 of the Indian Penal Code.

The informant Marchhiya Devi named these two petitioners namely, Harendra Prasad and Gulteni Prasad including 18 other accused persons and 30-40 un-known persons. He alleged that petitioner no. 1, Harendra Prasad assaulted her grand-son, Anil Kumar with spear and Gulteni Prasad, petitioner no. 2 with Lathi. The injury found on the person of Anil Kumar is found to be simple in nature. Learned counsel for the petitioners further



submits that earlier Paharpur P.S. Case No. 54 of 2014 under Section 302 and other sections of the IPC was lodged against the Amar Mahto and others. Amar Mahto is husband of the informant. The occurrence is said to have taken place on 08.04.2014 and F.I.R. was lodged on 18.04.2014 after about 10 days of the occurrence. Similarly situated other co-accused persons, namely, Baliram Mahto and Bachan Das have already been allowed anticipatory bail by this Court in Cri. Misc. No. 21306/15 and Cri. Misc. No. 11731 of 2017 respectively.

Learned counsel for the informant as well as learned APP for the State vehemently opposed the prayer of bail and submitted that case is of the year 2014 and petitioner seeks anticipatory bail after four years of the occurrence.

Considering the aforesaid fact and the fact that prior to institution of the case, the case under Section 302 IPC was lodged from the side of the petitioner against Amar Kumar, husband of the informant and also considering that similarly situated other accused persons have been granted anticipatory bail, let the petitioner, in the event of their arrest or surrender, within four weeks from the date of receipt of this order, are also directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like



amount each in connection with Paharpur P.S. Case No. 57 of 2014 to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

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