

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23441 of 2018

Arising Out of PS. Case No.-6 Year-2018 Thana- BHAGWANPUR District- Begusarai

1. Bindeshwari Rai @ Bindeshwari Yadav, Son of Late Sito Rai,
2. Bijay Rai @ Bijay Kumar @ Vijay Kumar, Son of Bindeshwari Rai @ Bindeshwari Yadav,
3. Mukesh Rai, Son of Awdesh Rai, All residents of Village-Sanjat, P.S.- Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 19-04-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Bhagwanpur P.S. Case No. 06 of 2018, instituted for the offence under Sections 448,323,341,354(B),452,380,385,504,506/34 of the IPC.

In the written report, it is alleged that petitioner no. 1 assaulted the informant with iron rod on the head from which she saved herself from her hand causing injury on her hand. There is no subsequent overt act against petitioner no. 2 and 3.

Learned counsel for the petitioners has submitted that petitioner no. 1 is an old man aged about 72 years and petitioner no. 2 is government teacher. He has further submitted that the instant case has been filed after delay of 24 hours at the instance of political pressure. Petitioner no. 1 has given



informatory petition no. 6047 of 2017 on 22.12.2017 against SHO and informant of this case which is much prior to the lodging of this case.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Bhagwanpur P.S. Case No. 06 of 2018, to the satisfaction of the learned CJM, Begusarai, Patna, subject to condition as laid down u/S 438 (2) of the 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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers 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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