

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52106 of 2018

Arising Out of PS. Case No.-91 Year-2018 Thana- AKBARPUR District- Nawada

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1. Shiv Shankar Prasad, S/o Devkinandan Prasad @ Devkinandan Mahto,
 2. Anup Prasad S/o Kameshwar Mahto,
 3. Seema Devi @ Seema Sinha W/o Shiv Shankar Prasad, All are R/o Vill.- Chhotki Amba, P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sheo Kumar Prasad
For the informant	:	Mr. Devendra Prasad Singh
For the Opposite Party/s	:	Mr. Sri Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-09-2018 Heard the learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

This application for anticipatory bail arises out of Akbarpur P.S. Case No.91 of 2018, disclosing offences under Sections 147, 341, 447, 323, 354, 337, 379, 307, 504 and 506 of the Indian Penal Code.

On perusal of the materials on record and consideration of submissions on behalf of the parties, it appears that there is some dispute between the parties arising out of Local Body election. This is not in dispute that in respect of same occurrence said to have taken place on 12.04.2018, two F.I.Rs have been registered; one at the instance of the petitioner



no.1 giving rise to Akbarpur P.S. Case No.90 of 2018 and the other i.e. present case at the instance of the informant.

Learned counsel appearing on behalf of the petitioners contends that the present F.I.R. is counter blast to the earlier F.I.R. lodged by him and the prosecution version contains exaggerated statement of the occurrence.

Learned counsel appearing on behalf of the informant, on the other hand, has submitted that there being direct allegation against petitioner no.2 of making assault with *Garasa*, he does not deserve the privilege of anticipatory bail.

However, considering the genesis of the occurrence and nature of accusation coupled with the statement made in paragraph 3 of the application that the petitioners have no criminal antecedent, this application is allowed.

Let the petitioners above named in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in Akbarpur P.S. Case No.91 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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