

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45500 of 2018

Arising Out of PS.Case No. -79 Year- 2018 Thana -TARAIYA District- SARAN

- =====
1. Babulal Kushwaha, son of Late Hira Singh Kushwaha, resident of village- Rampur Mahesh, P.S.- Taraiya, District- Saran.
 2. Surendra Singh, son of Late Ganesh Singh, resident of village- Rampur Kesho, P.S.- Taraiya, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajendra Nath Pandey, Advocate
Mr. Shakil Ahmad Khan, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 14-08-2018 It has been submitted on behalf of the petitioners that petitioner No. 2 has already been arrested. Therefore, his application for anticipatory bail has become infructuous.

The prayer for anticipatory bail of petitioner No. 2 is dismissed as withdrawn.

Heard learned counsel for the petitioner and the State.

The petitioner No.1 apprehends his arrest in **Taraiya P.S. Case No.79 of 2018** instituted for the offence under Sections 341, 323, 448, 379, 427, 363 and 364 of the Indian Penal Code.

In the written report, it is alleged that on the date of occurrence the petitioner and other accused persons along with three unknown persons armed with *lathi danda* came and entered



into the shop of informant and abused him. The son of informant raised objection, then accused persons including petitioner snatched mobile phone and Pintu Pandey took cash of Rs.50,000/- from *Galla* of the shop of the informant.

The victim boy has given statement under Section 164 Cr. P.C. wherein he has stated that on the date of occurrence accused persons arrived and started damaging the shop of the informant. Co-accused Pintu Pandey took Rs.50,000/- from the *Galla* and snatched his two Mobile Phones and took him away on the Motorcycle. He was brought to the house of petitioner No. 2 and locked in a room. It is stated that he was kept in that house for ten days. Co-accused Lalan Sah has snatched his golden chain. The accused persons knowing him dead had thrown him in *Nahar* from where he was recovered by the police.

Counsel for the petitioner has submitted that the instant case has been filed due to land dispute.

From the statement of victim boy recorded under Section 164 Cr. P.C. it appears that he has not levelled any specific allegation against petitioner No. 1.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner No. 1 is allowed. In the event of surrender/arrest of the petitioner No.1, named above,



within six weeks from today, in connection with **Taraiya P.S. Case No.79 of 2018**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Saran**, 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) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner 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 petitioner.

(Sanjay Priya, J)

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