

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5907 of 2019

Arising Out of PS. Case No.-86 Year-2018 Thana- SHAMBHUGANJ District- Banka

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1. Ajay Kumar @ Ajay Mandal (Male) Son of Late Pyarelal Mandal Resident of Village - Bhatti, P.S.- Shambhuganj, Distt.-Banka.
 2. Darogi Mandal (Male) Son of Late Sajjan Mandal Resident of Village - Bhatti, P.S.- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-02-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are in custody in connection with Shabhuganj P.S. Case No. 86 of 2018 corresponding to G.R. No. 1410 of 2018, registered for the offence punishable under Section 323, 341, 354, 379, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners have no criminal antecedent. Referring to the prosecution case he submits that allegation against these petitioners is that they have assaulted the husband of the informant. He further submits that petitioner No.1 is in custody since 09.10.2018 and the petitioner no. 2 is in custody since



29.9.2018. He further submits that earlier petitioners were granted bail but after submission of charge-sheet by the police under Section 302 IPC against these petitioners bail bonds of these petitioners has been cancelled. He further submits that petitioners have not misused the privilege of the bail as such they deserve for bail. He further submits that once the bail was granted there is no reason to cancel the bail bonds unless there is allegation of misuse of privilege of bail by the petitioners.

Considering the totality of the facts and circumstances as discussed above and fact that petitioners have no criminal antecedent and earlier they have ben granted bail and there is no case of misuse of privilege of bail by the petitioners, but only on the ground that police have submitted charge-sheet under Section 302 of the IPC, their bail bonds have been cancelled, let the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned S.D.J.M. Banka in connection with Shambhuganj P.S. Case No. 86 of 2018 corresponding to GR No. 1410 of 2018.

(Anil Kumar Upadhyay, J)

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