

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23904 of 2019

Arising Out of PS. Case No.-53 Year-2018 Thana- KUSHESHWARASTHAN District-
Darbhanga

-
1. BHAGESHWAR SADA @ BHAGAESHWAR SADA Son of Moti Sada, Resident of Village - Kunj Bhawan, P.S.- Kusheshwar Asthan (Tilkeshwar O.P.), District - Darbhanga.
 2. Mohan Sada Son of Balak Sada, Resident of Village - Kunj Bhawan, P.S.- Kusheshwar Asthan (Tilkeshwar O.P.), District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Prasad
For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 15-04-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Kusheshwar Asthan(Tilkeshwar O.P.) P.S. Case No. 53 of 2018, G.R. No. 138 of 2018 registered for offence punishable under sections 147, 148, 149, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

There is case and counter case from both sides. Allegation has been made against the petitioner no. 1 to have caused injury on the head of victim by Dabiya and the allegation has been made against petitioner no. 2 to have caused injury by Tagari.



The learned counsel for the petitioners submits that the incident has taken place on 30.01.2018, but the FIR has been lodged on 08.03.2018 and sufficient explanation has not been given in the case diary for delay in lodging the FIR.

Looking to the facts and circumstances of the case, the prayer for bail of the petitioners is allowed and they, in the event of arrest or surrender before the court below within six weeks from today, are directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Biraul, Darbhanga in connection with Kusheshwar Asthan (Tilkeshwar O.P.) P.S. Case No. 53 of 2018, G.R. No. 138 of 2018, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioners will not induce any witness or tamper with the evidence. The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court. If the petitioners are found involved in similar type of allegation in future, the prosecution will have liberty to file an application for cancellation of their bail bond.



Whenever the Police will call the petitioners for the purpose of interrogation/investigation, they would present themselves, In case of failure, the prosecution will have liberty to make a prayer for cancellation of their bail before the court below.

(Shivaji Pandey, J)

mkchy/-

U		T	
---	--	---	--

