

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31471 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

1. SHEO NATH BIN @ SHEO NATH PRASAD Son of Late Basu Bin @ Basu Prasad Resident of Village - Khajuri, Tiwari Tola, Sasamusa, P.S.- Kuchaikote, District- Gopalganj
2. Sheojee Bin @ Sheojee Prasad Son of Late Basu Bin @ Basu Prasad Resident of Village - Khajuri, Tiwari Tola, Sasamusa, P.S.- Kuchaikote, District- Gopalganj
3. Lagan Bin @ Lagan Prasad Son of Late Basu Bin @ Basu Prasad Resident of Village - Khajuri, Tiwari Tola, Sasamusa, P.S.- Kuchaikote, District- Gopalganj
4. Sukat Bin @ Sukat Prasad Son of Sheo Nath Bin @ Sheo Nath Prasad Resident of Village - Khajuri, Tiwari Tola, Sasamusa, P.S.- Kuchaikote, District- Gopalganj
5. Arjun Bin @ Arjun Prasad Son of Sheo Nath Bin @ Sheo Nath Prasad Resident of Village - Khajuri, Tiwari Tola, Sasamusa, P.S.- Kuchaikote, District- Gopalganj
6. Vijay Bin @ Vijay Prasad @ Vijay Kumar Son of Sheo Nath Bin @ Sheo Nath Prasad Resident of Village - Khajuri, Tiwari Tola, Sasamusa, P.S.- Kuchaikote, District- Gopalganj
7. Ramprit Bin @ Ramprit Prasad Son of Late Bishwanath Bin @ Bishwanath Prasad Resident of Village - Khajuri, Tiwari Tola, Sasamusa, P.S.- Kuchaikote, District- Gopalganj
8. Sunil Bin @ Sunil Prasad Son of Ghan Shyam Bin @ Ghan Shyam Prasad Resident of Village - Khajuri, Tiwari Tola, Sasamusa, P.S.- Kuchaikote, District- Gopalganj
9. Ghan Shyam Bin @ Ghan Shyam Prasad Son of Late Bishwanath Bin @ Bishwanath Prasad Resident of Village - Khajuri, Tiwari Tola, Sasamusa, P.S.- Kuchaikote, District- Gopalganj
10. Gamha Bin @ Gamha Prasad Son of Late Bishwanath Bin @ Bishwanath Prasad Resident of Village - Khajuri, Tiwari Tola, Sasamusa, P.S.- Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan
For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN



ORAL ORDER

4 08-08-2019 Heard learned counsel for the petitioner nos. 1 and 3 to 10 and learned APP for the State.

2. The petitioner nos. nos. 1 and 3 to 10 apprehend their arrest for the offences alleged under Sections 341, 323, 324, 325, 307, 379, 452, 504, 506/34 of the Indian Penal Code registered in connection with Kuchaikote P.S. Case No. 44 of 2019.

3. It is submitted that the petitioner nos. 1 and 3 to 10 have been falsely implicated and there is case and counter case between the parties. All the injuries on the informant's side is simple in nature save and except two injuries on the head of the informant attributed to the assault by petitioner no. 6, which are grievous in nature. Petitioner nos. 6 and 8 claim clean antecedents, whereas petitioner nos. 1 and 3 to 5, 7, 9, and 10 are accused in one prior case which has also been lodged by the informant's side.

4. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no.6. The anticipatory bail petition as against him stands dismissed.

5. As regards petitioner nos. 1, 3 to 5 and 7 to 10 in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 1, 3 to 5 and 7 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM VII, Gopalganj, in connection with Kuchaikote P.S. Case No. 44 of 2019 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner 1, 3 to 5 and 7 to 10.

ii. That the petitioner 1, 3 to 5 and 7 to 10 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner 1, 3 to 5 and 7 to 10 shall co-operate with the



investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner 1, 3 to 5 and 7 to 10 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

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

