

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30724 of 2019

Arising Out of PS. Case No.-275 Year-2018 Thana- HARSIDHI District- East Champaran

1. ARUN PRASAD @ ARUN KUMAR PRASAD @ BACHU PRASAD @ BACHU KUMAR PRASAD Son of Fulena Prasad Resident of Village - Pannapur Gachi Tola, P.S.- Harsidhi, District- East Champaran
2. Vinay Kumar Son of Yogendra Prasad Resident of Village - Pannapur Gachi Tola, P.S.- Harsidhi, District- East Champaran
3. Vicky Kumar @ Vicky Son of Yogendra Prasad Resident of Village - Pannapur Gachi Tola, P.S.- Harsidhi, District- East Champaran
4. Bijali Devi Wife of Ramchandara Prasad Resident of Village - Pannapur Gachi Tola, P.S.- Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 05-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 323, 324, 307 of the Indian Penal Code and 27 of the Arms Act registered in connection with Harsidhi P.S. Case No. 275 of 2018.

3. It is submitted that the petitioners have been falsely implicated and there is case and counter case between the parties, who are agnates. The accusation of assault is general and omnibus except petitioner nos. 2 and 3 who are said to have assaulted Sri Kant Prasad with farsa on the head. The petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant appearing *suo motu* oppose the anticipatory bail petition.

5. Learned APP on the basis of paras 40 and 41 containing injury



report of Sri Kant Prasad submits that the injuries are simple in nature.

6. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners 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 CJM, East Champaran at Motihari, in connection with Harsidhi P.S. Case No. 275 of 2018, 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 petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners 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 nos. 1, 2 and 3 shall remain physically present and petitioner no. 4 shall be well represented 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)

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