

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30215 of 2019

Arising Out of PS. Case No.-443 Year-2018 Thana- SUGAULI District- East Champaran

1. ASHISH SAH @ SHISH KUMAR S/O Hari Charan Sah R/O village-Bishunpurwa, P.S.- Sugauli, District- East Champaran
2. Haricharan Sah @ Harish Chandra Sah S/O Mathura Sah R/o village-Bishunpurwa, P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Satyadeo Singh Yadav

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-05-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Sugauli P.S. Case No. 443 of 2018, disclosing the offence punishable under Sections 414 and 379/34 of the Indian Penal Code, including Section 27 of the Arms Act.

There is allegation in the FIR of an attempt to commit theft of she-buffalo on 29.10.2018, which could be prevented with an intervention of the villagers. It is alleged that the informant's she-buffalo was taken away by the miscreants and there was an attempt to transport the she-buffalo in a pick-up van. The police was, thereafter, informed.

Learned counsel for the petitioners has submitted that there is allegation against them of having opened fire, when an attempt was made to prevent the theft. He has also submitted that for the occurrence, which had allegedly taken place on



29.10.2018, the FIR was registered on 31.10.2018 with the recovery of the she-buffalo buffalo loaded on the pick-up van. He contends that belated registration of the FIR makes it clear that the entire case of the prosecution is false and fabricated.

Considering the above submission, this application is allowed. Let the petitioners, above named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Sugauli P.S. Case No. 443 of 2018, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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