

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39998 of 2019**

Arising Out of PS. Case No.-48 Year-2015 Thana- GAURICHAK District- Patna

1. SHIV SHANKAR PRASAD Son of Saryug Prasad Resident of Village - Beldarichak, P.S.- Gaurichak, Distt - Patna.
2. Sukhanandan Prasad @ Sukanandan Prasad Son of Late Baleshwar Prasad Resident of Village - Beldarichak, P.S.- Gaurichak, Distt - Patna.
3. Pappu @ Tallu Son of Ram Dayal Prasad Resident of Village - Beldarichak, P.S.- Gaurichak, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Ranjan  
For the Opposite Party/s : Mr.Mohammad Sufyan

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

4      26-08-2019      Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 302 and 34 of the Indian Penal Code registered in connection with Gaurichak P.S. Case No. 48 of 2015.

It is submitted that the petitioners have been falsely implicated on the accusation of having assaulted the deceased with lathi, danda. The accusation is not corroborated with the post mortem report, which discloses one lacerated wound on right toe and two abrasions. The opinion as to cause of death has been kept reserved till receipt of chemical analysis report. After due investigation, the police has submitted final form as regards petitioners and they have been exonerated from the charges. The petitioners claim clean antecedents.

4. 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 ACJM V, Patna City, in connection with Gaurichak P.S. Case No. 48 of 2015 , 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 petitioners 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/-

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