

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35426 of 2019

Arising Out of PS. Case No.-431 Year-2018 Thana- GAYA KOTWALI District- Gaya

1. Sambhu Malakar S/o Dukhi Malakar R/o Village- Laheria Tola, P.S.- Kotwali, District- Gaya
2. Uday Malakar S/o Vijay Malakar R/o village- Laheria Tola, P.S.- Kotwali, District- Gaya
3. Chintu Kumar Malakar @ Sorav Malakar S/o Mallu Malalkar R/o village- Laheria Tola, P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rahul Kumar, S/o Raj Kumar Malakar, Mohalla, Laheriya Tola, P.S. Kotwali, District-Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 17-09-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

The petitioners apprehend their arrest in connection with Kotwali P.S. Case No. 431 of 2018 (Complaint Case No. 1454 of 2018), registered under Sections 387, 379, 504, 506, 120(b) and 34 of the Indian Penal Code.

The allegation against the petitioners, as per FIR, is that petitioners used to pass an information regarding the affairs of the house of the informant to Deepak Kumar @ Taklu and Om Pandey against whom Kotwali P.S. Case No. 257 of 2018 has been lodged by the informant, it has further been alleged that accused persons were in Jail and were pressurizing the



informant to get the arrested persons acquitted in the case lodged by the informant earlier.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case inasmuch as both the parties are own gotiyas/agnates. He further submits that from perusal of FIR it would be evident that only allegation against the petitioners is that they used to pass information regarding the house hold/family affairs to accused persons, who are in jail in the FIR lodged by the informant. He further submits that the FIR-cum-complaint case was lodged after lapse of about 7 days from the date of occurrence, which has converted into an FIR.

After having heard learned counsel for the parties and taking into consideration the fact that both the parties are agnates and there is no specific allegation of threatening against the petitioners, I am inclined to grant anticipatory bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount



each to the satisfaction of the learned Chief Judicial Magistrate,
Gaya in connection with Kotwali P.S. Case No. 431 of 2018
(Complaint Case No. 1454 of 2018); subject to condition as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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