

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41217 of 2019**

Arising Out of PS. Case No.-135 Year-2018 Thana- KARAHGAR District-
Rohtas

- =====
1. LAL BABU @ LAL BABU KUMAR, male, aged about 29 years, Son of Ramesh Sah @ Ramesh Prasad Sah Resident of Village- Kargahar, P.S.- Kargahar, District- Rohtas.
 2. Dhanu Sah, male, aged about 27 years, Son of Bigu Sah Resident of Village- Kargahar, P.S.- Kargahar, District- Rohtas.
 3. Sujeet Singh @ Guddu @ Guddu Singh, male, aged about 40 years, Son of Ram Jag Singh Resident of Village- Kargahar, P.S.- Kargahar, District- Rohtas.
 4. Ravi @ Ravi Kumar @ Bhuwer Kamkar, male, aged about 20 years, Son of Bahadur Kharwar Resident of Village- Kargahar, P.S.- Kargahar, District- Rohtas.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Part

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Appearance :

For the Petitioners : Mr. Ashok Kumar Pandey, Advocate.
For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-07-2019 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, 342, 186, 188, 353, 504, 506 of the Indian Penal Code and Section 3 of Prevention of Damages Public Property Act registered in connection with Kargahar P.S. Case No. 135 of 2018.

3. It is submitted that the petitioners have been falsely implicated and the F.I.R. is against as many as 6 named persons and 100 unknown persons. The accusations are general and omnibus in nature without any specific accusation attributed to the petitioners. Petitioner no. 1 is accused in four prior cases including one case of similar nature while petitioner nos. 2, 3 and 4 claim clean antecedents.

4. Having regard to the nature of accusations, gravity of the offence alleged as well as the criminal antecedents of the



petitioner no. 1, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 1. The anticipatory bail petition of petitioner no. 1 stands dismissed.

5. As regards petitioner nos. 2, 3 and 4, in the event of the petitioner nos. 2, 3 and 4 's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 2, 3 and 4 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 Additional Chief Judicial Magistrate, Sasaram, Rohtas in connection with Kargahar P.S. Case No. 135 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 petitioner nos. 2, 3 and 4.

(ii) That the petitioner nos. 2, 3 and 4 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner nos. 2, 3 and 4 shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner nos. 2, 3 and 4 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)

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