

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3804 of 2018

Arising Out of PS. Case No.-43 Year-2017 Thana- NAUGACHIA District- Bhagalpur

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1. Rahul Kumar @ Rahul Singh, Son of Shanka Singh,
 2. Binay Kuar, Son of Anupdev Singh,
 3. Kumar @ Kunvar Singh @ Kunvar Kumar Singh, Son of Wakil Prasad Singh,
 4. Mritunjay Kumar @ Kumar Gaurav, Son of Murlidhar Mehta,
 5. Pawan Kumar @ Pawan Kumar Singh, Son of Lodo Singh, All are the resident of Village- Mahdtpur, Police Station- Naugachia, Parbatta, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar

For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 07-01-2019 Heard the parties.

The appellants are apprehending their arrest in connection with Naugachia P.S.Case nO.43 of 2017 , registered for offences punishable under Sections 147, 1148, 149, 323, 504, 506, 448, 379, 380, 354, 307 of the Indian Penal Code and Section 3(x) of S.C./S.T. Prevention of Atrocities Act.

Allegation against the appellant no.1 is of firing and against the appellant nos. 1, 3, 4, and 5 of assaulting by *lathi* and *danda* and also of taking away the articles.

Submission of the learned counsel for the appellants is that there is delay of two months in lodging the complaint petition and moreover no injury was found on any person which



will appear from the impugned order and other co-accused almost having similar allegation have been granted privilege of the anticipatory bail , vide order dated 3.8.2018 passed in Cr. Misc. No1.909 of 2018.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, above named, surrender before the court below within a period of six weeks from the date of order and on surrender he will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM Naugachia District Bhagalpur in connection with Naugachia P.S.Case no.43 of 2017 dated 7.3.2017 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

Accordingly, this appeal is allowed and the impugned order dated 20.6.2018 is set aside.

(Vinod Kumar Sinha, J)

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