

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54638 of 2019

Arising Out of PS. Case No.-89 Year-2016 Thana- KHODAWANDPUR District- Begusarai

1. MITHUN KUMAR @ MITHUN RAI S/o Chhatri Ray,
2. Keshav Rai @ Keshav Kumar, S/o Chhatri Ray
Both Resident of Village- Mohanpur, P.S.- Khodawandpur, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 16-11-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of **Khodawandpur P.S. Case No. 89 of 2016**, disclosing the offences under Sections 341, 307, 323, 324 and 379/34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners has submitted that the Police have submitted charge sheet upon completion of investigation for commission of offence punishable under various provisions of Indian Penal Code including Section 308 of the Code.

During pendency of investigation, the petitioners were given benefit of the provision under Section 41A of the



Code of Civil Procedure. He contends that at no point of time, the petitioners ever misused the said privilege so granted to them and presented themselves before the Police as and when required. He has submitted that since the investigation is complete, no tangible purpose would be served, if the petitioners are taken into custody. He has also submitted that there is no chance of their fleeing away from the course of justice or during course of investigation or tampering with the evidence, if the petitioners are allowed the privilege of anticipatory bail. I find substance in the submissions made on behalf of the petitioners.

Considering the above, 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 **learned Sub Divisional Judicial Magistrate, Manjhaul, Begusarai**, in connection with **Khodawandpur P.S. Case No. 89 of 2016**, 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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