

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59774 of 2019

Arising Out of PS. Case No.-42 Year-2010 Thana- KISHUNPUR District- Supaul

1. Ramdev Sah, (male), aged about 54 years, Son of Late Gulay Sah, Resident of Village - Pirganj, Jeliari, P.S.- Kishunpur, District- Supaul.
2. Mahendra Sah, (male), aged about 24 years, Son of Ramdev Sah, Resident of Village - Pirganj, Jeliari, P.S.- Kishunpur, District- Supaul.
3. Jivachh Sah, (male), aged about 25 years, Son of Chalahi Sah, Resident of Village - Pirganj, Jeliari, P.S.- Kishunpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Veena Kumari Jaiswal, Adv.
For the Opposite Party/s : Mr. Ram Anurag Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-09-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Kishanpur P.S. Case No. 42 of 2010 registered under sections 341, 323, 452, 380, 504 and 34 of the IPC.

The allegation against the petitioners, as per the first information report, is that the petitioners along with other accused persons abused informant and assaulted him and other family members.

Learned counsel appearing for the petitioners submits that occurrence had taken place on a trivial issue of destroying the banana tree of the informant by the buffalo of the petitioner. Learned counsel further submits that the police after



investigation submitted final form and not sent the petitioners for trial. However learned Magistrate has differed with the final report and took cognizance by order dated 26.11.2012. Learned counsel further submits that no summons or warrants were ever served upon them and therefore, the petitioners did not have the knowledge about the order of cognizance taken by the learned Magistrate against them.

Having regard to the submission made by the parties and taking into consideration the fact that the police after investigation submitted final form and not sent them for trial, I am inclined to grant anticipatory bail to all the petitioners.

Accordingly, the petitioners, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Supaul in connection with Kishanpur P.S. Case No. 42 of 2010, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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