

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68163 of 2019

Arising Out of PS. Case No.-195 Year-2019 Thana- KHAGARIA District- Khagaria

1. Kundan Sada Son of Upendra Sada Resident of Village - Babhangama, P.S.- Gangaur, Distt - Khagaria.
2. Dharam Kumar @ Dharam Kumar Sada Son of Sri Bino Sada Resident of Village - Babhangama, P.S.- Gangaur, Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 07-11-2019 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Khagaria (Gangaur) P.S. Case No. 195 of 2019 registered under Section 307 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that due to old enmity, 10 persons named in the FIR including the petitioners and 5 to 6 others surrounded the informant, Banti Kumar. At that time, Rajesh Sada caught hold the collar of his shirt and Mahesh Sada caused injury at his head through the butt of rifle and others also assaulted to him through lathi and danda. When his brother, Mohan Yadav and villager Deepak Kumar came to save him then they were abused and



assaulted by Jitendra Sada through butt of the rifle. At that time, Rajesh Sada snatched gold chain from his neck.

Learned counsel for the petitioners submits that while the petitioners are named in the F.I.R. but no specific overt act has been attributed against them. Further submission is that petitioners have no criminal antecedent. It is further submitted that similarly situated co-accused, Sulendra Sada, Nago Prasad and Bablu Sada have already been granted privilege of pre-arrest bail by a Bench of this Court vide order dated 22.08.2019 passed in Criminal Misc. No. 51015 of 2019.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria (Gangaur) P.S. Case No. 195 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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