

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77577 of 2019

Arising Out of PS. Case No.-97 Year-2014 Thana- CHAKAI District- Jamui

1. BHOLI DAS, Son of Late Govardhan Das
2. Shyam Sunder Das, Son of Bholi Das
3. Dinesh Das, Son of Bholi Das, All are Resident of Karuwa Pather Tola, Badhaman, P.S.- Chakai, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 03-12-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 354, 379, 452 and 307/34 of the Indian Penal Code.

There is case and counter case. The case under the Prevention of Witch (daain) Practices Act, 2001 was lodged by the petitioners' side. The police had found allegation under Section 307 of the Indian Penal Code as untrue. After investigation of the case, the prayer for anticipatory bail has been refused by the learned court below on the ground that the petitioner had appeared before the police and the police did not arrest the petitioners in exercise of power under Section 41(a)



Cr.P.C., therefore, the petitioner has got no apprehension of breach of peace.

Submission is that apprehension is still there that in the event of surrender, the petitioner would be sent to jail. Hence, this application is maintainable.

Finding substance in the submission aforesaid, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1, Jamui in connection with Chakai Police Station Case No. 97 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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