

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79289 of 2019

Arising Out of PS. Case No.-53 Year-2019 Thana- DANDKHORA District- Katihar

1. AMAR KUMAR ARYA
2. Pankaj Kumar Arya
3. Ajay Kumar Arya
All Sons of Late Nand Prasad Arya. All Resident of Village - Souriya, Police
Station - Dandkhora, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Adv

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 18-12-2019 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 323,341,379,147,149,307,504,506 of the Indian Penal Code.

The complaint based FIR would reveal that the complainant has stated in paragraph-18 that for the same occurrence she had lodged Dandkhora P.S.Case No.27 of 2019. A copy of the FIR is as Annexure-2. In that case all the accused person including the petitioners are on bail.

Learned counsel for the petitioners submits that for the same cause, once the FIR was already registered, there was



no occasion to file a complaint case and again complaint case was sent to the police and the present Dandkhora P.S. Case No.53 of 2019 has been registered. In the earlier FIR at Annexure-2, time of occurrence is not mentioned, however, in the present FIR, time of occurrence at 9.00 A.M. on the same day i.e. 11.03.2019 is referred.

Learned counsel for the informant opposed the prayer for bail on different grounds including the ground that co-accused-Madan Kumar Arya and others have been refused anticipatory bail by a Coordinate Bench of this Court in Cr.Misc.No.79105 of 2019.

The perusal of the order of the aforesaid criminal miscellaneous does not show that the aforesaid fact of two cases was brought to the notice of the Court. Therefore, for the same occurrence, two cases were lodged.

Considering the facts 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 bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Dandkhora



P.S.Case No. 53 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the petitioners shall fully cooperate with the investigation 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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