

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83627 of 2019

Arising Out of PS. Case No.-507 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

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1. SHIVJI PRASAD @ SHIV PRASAD @ SHIV SAH Son of Late Makhan Sah Resident of Mohalla-Belbanwa, Ward No.22, P.S.-Town Motihari, District-East Champaran.
 2. Vivek Kumar Son of Shivji Prasad @ Shiv Prasad @ Shiv Sah Resident of Mohalla-Belbanwa, Ward No.22, P.S.-Town Motihari, District-East Champaran.
 3. Abhishek Kumar Son of Shivji Prasad @ Shiv Prasad @ Shiv Sah Resident of Mohalla-Belbanwa, Ward No.22, P.S.-Town Motihari, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-12-2019 At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 2 in order to enable him to surrender before the learned court below and obtain regular bail.

Accordingly, the present petition qua the petitioner no. 2 stands dismissed as not pressed, however, with liberty to the petitioner no. 2 to surrender and pray for regular bail.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in



connection with Motihari Town P.S. Case No. 507 of 2019 registered for the offence punishable under Sections 341, 323, 324, 326, 307, 379 and 504/34 of the Indian Penal Code.

The allegation is regarding the co-accused persons having assaulted the informant and his family members resulting in injuries to them. It is further alleged that the co-accused persons namely, Santosh Kumar, Sachin Kumar and Vivek Kumar are alleged to have assaulted the informant and his family members by means of lathi, rod and sword resulting in injuries on the person of the injured.

The learned counsel for the petitioners submits that as far as the petitioners no. 1 and 3 are concerned, neither there is any specific allegation of any sort of overt act as against them nor any injury sustained by the members of the prosecution party are attributable to them. It is further submitted that the petitioners nos. 1 and 3 are having a clean antecedent.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner nos. 1 and 3, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand)



each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, District-East Champaran in connection with Motihari Town P.S. Case No. 507 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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