

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9036 of 2020

Arising Out of PS. Case No.-169 Year-2019 Thana- KUMAR KHAND District- Madhepura

1. CHANDESHWARI SAH Son of Late Mahavir Sah R/o Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
2. Brahmdeo Sah Son of Late Mahavir Sah R/o Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
3. Vishnudeo Sah Son of Late Tarachand Sah R/o Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
4. Dinesh Sah Son of Late Tarachand Sah R/o Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
5. Uday Sah Son of Late Tarachand Sah R/o Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
6. Sidharth Sah @ Sidharth Kumar Son of Dinesh Sah R/o Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
7. Satya Narayan Sah Son of Dev Narayan Sah R/o Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
8. Rajeev Sah Son of Late Dev Narayan Sah R/o Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
9. Wakil Sah Son of Late Dev Narayan Sah R/o Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
10. Rudal Sah Son of Late Dev Narayan Sah R/o Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
11. Harkha Chandra Sah @ Rinkoo Sah Son of Late Bhajju Sah R/o Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.
12. Arjun Yadav S/o Tanuklal Yadav R/o Village-Bhairopur, P.S.-Kumarkhand, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Vishoka Nand
For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.



The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 323, 307, 379,380, 427, 504 and 506 of the Indian Penal Code, including Section 27 of the Arms Act, registered in connection with Kumarkhand P.S. Case No. 169 of 2019.

It is submitted that the petitioners have been falsely implicated in the backdrop of an earlier FIR having been filed by co-accused person namely Umesh Sah. A title suit being Title Suit No. 338 of 2013 is going on between the informant's side and brother of the co-accused namely Upendra Sah. The accusation under Section 27 of the the Arms Act is not corroborated by any injury report in absence of any fire-arm injury caused to anyone. The injury in any event is simple in nature. It is further submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 02.03.2020 passed in Criminal Misc. No. 6144 of 2020.

Be that as it may, in the event of petitioners' arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/-(ten



thousand) each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Madhepura in connection with Kumarkhand P.S. Case No. 169 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

- (i) That one of the bailors shall be a close relative of the petitioners.
- (ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- (iii) That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- (iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Mohit Kumar Shah, J)

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