

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14209 of 2020

Arising Out of PS. Case No.-162 Year-2018 Thana- MADHUBAN District- East Champaran

1. Sujit Prasad S/o Late Harendra Prasad @ Harendra Pandey Resident of Village- Sirauli, P.S.- Madhuban, Distt- East Champaran at Motihari
2. Ranjeet Prasad S/o Late Harendra Prasad @ Harendra Pandey Resident of Village- Sirauli, P.S.- Madhuban, Distt- East Champaran at Motihari
3. Sita Ram Prasad S/o Girja Prasad Resident of Village- Sirauli, P.S.- Madhuban, Distt- East Champaran at Motihari
4. Shashi Prasad S/o Sita Ram Prasad Resident of Village- Sirauli, P.S.- Madhuban, Distt- East Champaran at Motihari
5. Jaichandra Prasad S/o Rajdev Prasad Resident of Village- Sirauli, P.S.- Madhuban, Distt- East Champaran at Motihari
6. Satyam Prasad S/o Ramekbal Prasad Resident of Village- Sirauli, P.S.- Madhuban, Distt- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Jeet

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-07-2020 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

Petitioners are apprehending arrest in connection
with Madhuban P.S. Case No. 162 of 2018 for the offence
under sections 147, 148, 149, 341, 342, 323, 324, 307, 379, 504
and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that



petitioners have no criminal antecedent except petitioner no.5.

Learned counsel appearing on behalf of the petitioners would submit that from the FIR it would be evident that there is no specific overt act against petitioner nos. 2 to 6 whereas there is specific allegation of assault against petitioner no.1.

Considering the fact that there is no specific overt act against petitioner nos. 2 to 6, the Court is inclined to grant anticipatory bail to the petitioners, let the petitioner nos. 2 to 6, named above, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-4th, Motihari, in connection with Madhuban P.S. Case No. 162 of 2018 subject to the condition as laid down under section 438(2) of the Cr.P.C.

So far as the petitioner no.1 is concerned, there is specific allegation of assault against him, the Court is not inclined to grant privilege of bail. Accordingly, prayer for anticipatory bail is rejected. However, the petitioner no.1 may surrender before the court below and prays for regular bail



which will be considered by the court below on its own merit on the same day without being influenced by refusal to grant anticipatory bail in the present case.

(Anil Kumar Upadhyay, J)

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