

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20278 of 2020

Arising Out of PS. Case No.-32 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Samanjay Kumar, Son of Rambilash Yadav Resident of Village - Sakarbasa, Ward No. 3, P.S.- Cheriya Bariarpur, District- Begusarai
 2. Upendra Kumar @ Upendra Kumar Sah @ Upendra Sah, Son of Kishan Sah Resident of Village - Sakarbasa, Ward No. 3, P.S.- Cheriya Bariarpur, District- Begusarai
 3. Govind Kumar Son of Baijnath Yadav @ Baidhyanath Yadav, Resident of Village - Sakarbasa, Ward No. 3, P.S.- Cheriya Bariarpur, District- Begusarai
 4. Md. Jiyaul Azad @ Md. Ziyaul Azad, Son of Md Kalam Resident of Village - Sakarbasa, Ward No. 3, P.S.- Cheriya Bariarpur, District- Begusarai
 5. Sahil Son of Md. Kasim Resident of Village - Sakarbasa, Ward No. 3, P.S.- Cheriya Bariarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 24-08-2020 The defect No. 1 is ignored. So far as defect No. 2 is concerned, learned counsel of the petitioners submits that he shall remove the aforesaid defects when the Court starts physical functioning.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioners apprehend their arrest in connection with



Cheriya Bariarpur P.S. Case No. 32/2019 registered for the offences punishable under Sections 341, 323, 147, 448 and 353 of the Indian Penal Code.

Almost, all the Sections are bailable except Section 353 of the Indian Penal Code.

Learned counsel of the petitioners submits that one co-accused, namely, Md. Shamsul @ Md. Shamsul Hasan @ Shamsul Hasan, having more or less similar allegation, has already been granted privilege of anticipatory bail by a coordinate Bench of this Court vide Cr. Misc. No. 54167/2019.

Taking note of the aforesaid fact as well as submissions of the parties and also keeping in mind that no specific overt act has been attributed against these petitioners, it is ordered that petitioners, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall 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 learned Additional Chief Judicial Magistrate, Manjhaul, Begusarai/concerned court in Cheriya Bariarpur P.S. Case No. 32/2019 subject to conditions as laid down under Section 438(2) of the Cr.P.C. However, it is made clear that on surrender of the petitioners,



the learned court below shall verify as to whether the prayer of anticipatory bail of petitioner No. 3, namely, Govind Kumar and petitioner No. 4, namely, Md. Jiyaul Azad @ Md. Ziyaul Azad was rejected by the impugned order dated 19.2.2020 or not and if it is found that the prayer of anticipatory bail of the above stated petitioner Nos. 3 and 4 was not heard by the court below then, in that circumstance, the bail bonds of the petitioner No. 3, namely, Govind Kumar and petitioner No. 4, namely, Md. Jiyaul Azad @ Md. Ziyaul Azad shall not be accepted.

(Hemant Kumar Srivastava, J)

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