

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18422 of 2020

Arising Out of PS. Case No.-265 Year-2009 Thana- TURKAULIYA District- East Champaran

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1. SAMSUL HAQUE Son of Sekh Sakur @ Shekh Shakur Resident of Village - Hardiya, P.S.- Turkauliya, District- East Champaran
 2. Chandra Kishore Sah @ Chain Kishore Sah Son of Ganesh Sah Resident of Village - Tikaita, P.S.- Turkauliya, District- East Champaran
 3. Ainul Haque Son of Late Ismail Miya Resident of Village - Tikaita, P.S.- Turkauliya, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar
Mr.Bal Govind Sharma

For the Opposite Party/s : Mr.Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-07-2020 Heard Mr. Dhananjay Kumar, learned counsel for the petitioner and Mr. Shyam Kumar Singh, learned APP for the State.

Learned counsel for the petitioners seeks permission to withdraw the application with respect to petitioner no. 1/Samsul Haque, who has been arrested.

The applicaton with respect to petitioner no. 1 is dismissed as having become infructuous.

The petitioner no. 2/Chandra Kishore Sah @ Chain



Kishore Sah and petitioner no. 3 /Ainul Haque seek bail in anticipation of their arrest in connection with Turkauliya P.S. Case No. 265/2009 dated 08.10.2010 instituted for the offences under Sections 147, 148, 149, 323, 324, 307, 427, 379 and 504 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that initially the police filed a case under bailable sections of the Indian Penal Code. However, cognizance has been taken under Section 307 and other sections of the Indian Penal Code. The petitioners had no idea that cognizance has been taken under non bailable sections and because of such delay, non bailable warrant of arrest also has been issued. Under similar circumstances one of the accused persons of this case has been granted anticipatory bail.

Considering the aforesaid submissions and taking into account the clean antecedents of the petitioners, the petitioner no. 2/Chandra Kishore Sah @ Chain Kishore Sah and petitioner no. 3 /Ainul Haque are directed to be released on bail, 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 furnishing
bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two
sureties of the like amount each to the satisfaction of
learned Additional Chief Judicial Magistrate -III, Motihari,
East Champaran in connection with Turkauliya P.S. Case No.
265/2009, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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