

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87004 of 2019

Arising Out of PS. Case No.-174 Year-2019 Thana- CHAND District- Kaimur (Bhabhua)

1. Sanjay Ram, Son of Ram Lal Ram Resident of Village - Mahdaich, Police Station - Chand, District- Kaimur (Bhabhua).
2. Ajay Ram Son of Ram Lal Ram Resident of Village - Mahdaich, Police Station - Chand, District- Kaimur (Bhabhua).
3. Ram Lal Ram Son of Ghurhu Ram Resident of Village - Mahdaich, Police Station - Chand, District- Kaimur (Bhabhua).
4. Sukhu Ram Son of Ghurhu Ram Resident of Village - Mahdaich, Police Station - Chand, District- Kaimur (Bhabhua).
5. Surendra Ram Son of Ram Sakhi Ram Resident of Village - Mahdaich, Police Station - Chand, District- Kaimur (Bhabhua).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 20-02-2020 Heard learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Chand P. S. Case No.174 of 2019 registered for the offences punishable under Sections 341, 342, 323, 324, 307, 379, 448, 504, 34 of the I.P.C.

3. The first information report goes to show that it were petitioner no.4, namely, Sukhu Ram and petitioner no.5, namely, Surendra Ram, who assaulted the informant by means



of Khanti and Garasa and so far as the petitioner no.2, namely, Ajay Ram is concerned, he took bag containing Rs. ten thousand and ornaments from the house of the informant.

4. Submission on behalf of the petitioners is that there is case and counter-case between the parties and as a matter of fact that one day prior to institution of the present case, petitioner no.5 lodged Chand P. S. Case No.173 of 2019 against the prosecution party for the occurrence of the same day and after institution of the Chand P. S. Case No.173 of 2019, the informant lodged the present case. He further submits that moreover, the petitioner no.4 and petitioner no.5 as well as some others sustained injury in Chand P. S. Case No.173 of 2019.

5. Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner no.1, namely, Sanjay Ram, petitioner no.2, namely, Ajay Ram and petitioner no.3, namely, Ram Lal Ram, 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-IV, Kaimur at



Bhabua in connection with Chand P. S. Case No.174 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

6. So far as the petitioner no.4, namely, Sukhu Ram and petitioner no.5, namely, Surendra Ram are concerned, their prayer for anticipatory bail stands rejected.

7. However, both the aforesaid petitioner no.4, namely, Sukhu Ram and petitioner no.5, namely, Surendra Ram are directed to surrender before the Court below within six weeks from today and if they do so, the learned trial Court shall consider the regular bail application of the petitioner no.4 and petitioner no.5 on its own merit without being prejudiced by this order particularly keeping in mind that there is case and counter-case between the parties and petitioner no.4 and petitioner no.5 had sustained injury in the aforesaid occurrence.

(Hemant Kumar Srivastava, J)

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