

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8687 of 2021

Arising Out of PS. Case No.-16 Year-2020 Thana- PATEPUR District- Vaishali

1. PRAMOD KUMAR Son of Shiv Lal Sah Resident of Village Ababakarpur Kobahi, P.S. Patepur, District - Vaishali.
2. JAI PRAKASH GUPTA @ JAI PRAKASH SAH Son of Late Janak Lal Sah @ Janak Sah Resident of Village Ababakarpur Kobahi, P.S. Patepur, District - Vaishali.
3. RAMA SHANKAR SAH @ UMA SHANKAR SAH @ RAM SHANKAR SAH Son of Late Jaglal Sah Resident of Village Ababakarpur Kobahi, P.S. Patepur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-08-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in connection with Patepur P.S. Case No. 16 of 2020 registered for the offence under Section 302/120B of the Indian Penal Code and 27 of the Arms Act.

Prosecution case in short is that the informant and as a consequence thereof, the informant and his family members



were assaulted and ultimately, the informant's brother succumbed to the injuries.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. The informant is not an eye witness to the alleged occurrence. As per FIR, the deceased is alleged to have disclosed his brother that co-accused Singheshwar Sah has fired upon him. So far petitioners are concerned, there is no allegation of assault alleged against them. After investigation, the police submitted final form against the petitioners finding the case to be false. The court below differed with the said police report and took cognizance. Hence, the present application has been preferred.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional



Chief Judicial Magistrate-XIV, Vaishali at Hajipur in connection with Patepur P.S. Case No. 16 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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