

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68025 of 2021

Arising Out of PS. Case No.-151 Year-2019 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. KIRAN DEVI Wife of Pramod Sah R/V- Ujua, P.S.- Kusheshwar Asthan,
District - Darbhanga
 2. Usha Devi Wife of Gautam Sah R/V- Ujua, P.S.- Kusheshwar Asthan,
District - Darbhanga
 3. Subodh Kumar Sah @ Subodh Sah Son of Ram Bhajan Sah R/V- Ujua, P.S.-
Kusheshwar Asthan, District - Darbhanga

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Adv.
For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek pre-arrest bail in connection with
Kusheshwar Asthan P.S. Case No. 151 of 2019, registered under
Sections 147, 148, 149, 341, 323, 324, 302 and 504 of the
Indian Penal Code read with Sections 25(1-b)a, 26 and 27 of the
Arms Act.

As per the allegation made in the F.I.R., the informant
Ramesh Sah has stated before the police that on 18.06.2019
Ganga sah, Rahul Sah and his family members visited the place
of occurrence and committed offence mentioned under the
provisions laid down in the F.I.R.

Learned counsel for the petitioners submits that there
is no direct act or overt act upon the petitioners. He further

submits that after investigation, final report u/s 176,173 of Cr.P.C. was filed in which all three petitioners were found not sent for trial but learned court below has taken cognizance against all three accused and thereafter summons has been issued.

Learned counsel for the State submits that it is well within the power of the court to take cognizance, even if police has not sent up any accused persons for trial.

Considering the facts and circumstances of this case that there is no direct allegation against the present petitioners and nothing indiscriminating articles were recovered from the possession of the petitioners, let the petitioners, above-named, in the event of their arrest/surrender within four weeks from today in the Court below, 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-III, Biraul, Darbhanga, in connection with Kusheshwar Asthan P.S. Case No.151 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Dr. Anshuman, J)

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