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IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE, III, AURANGABAD
ABP no. 1417/2023
CIS no. 1417/2023
[Arising out of Aurangabad(Town) PS Case no. 426/2023]

In the matter of:-

1. Kamta Mehta, aged about 60 years, S/o-Late Nanhhak Mahto
2. Anil Kumar, aged about 35 years, S/o- Kamta mahto,
Both R/o village-Shahpur, Ward no. 26, PS-Town District-Aurangabad(Bihar)

.....Petitioners

State of Bihar

Vs.

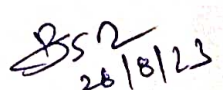
.....Opposite Party

Appearance for the parties:-

Shri Prashuram Singh, Ld. Counsel for the Petitioners
Shri Shivpujan Prajapati, Ld. Addl. P.P. for the State

Order
28.08.2023

- (1) The petitioners have preferred this anticipatory bail petition u/s-438 Cr.PC. seeking their pre-arrest bail in as much as they apprehend their arrest in connection with Aurangabad(Town) P.S. Case No. 426/2023 registered U/ss. 341,323,354,504,506,447/34 of the IPC. A copy of the petition has already been supplied to the Learned Addl. Public prosecutor. Case diary has already been received.
- (2) The prosecution story, in brief, is that ^{the} ~~ten~~ accused persons requested the complainant, being the B.L.O. member, to add their names in the voter list but the request was not acceded to. Then, the accused persons barged into the informant's house and assaulted him and his family members and co-accused Sunil Kumar molested the female member of the informant's family.
- (3) I have heard learned counsel for the petitioners and learned counsel for the State at length.
- (4) From perusal of the record, it appears that allegations against the accused-petitioners are U/s-341,323,354,504,506,447/34 of the IPC. Out of the above said sections only Section 354 of the IPC is non-bailable in nature. The allegations U/s-354 of the IPC is made only against co-accused Sunil Kumar. Against these petitioners, there is no allegation U/s-354 of the IPC. Therefore, I find it a fit case to enlarge the accused-petitioners on bail on furnishing their bail bonds of Rs. 25,000/-(twenty five thousand) with two sureties of the like amount each subject to conditions as laid down U/s-438(2) of Cr.PC. to the satisfaction the court below in the event of their arrests or surrender within period of 30 days from the date of communication of this order.
- (5) The anticipatory bail petition filed on behalf of the accused petitioners is hereby **allowed**.
(The order is dictated, and corrected by me.)


26/8/23
ADDL. SESSIONS JUDGE.-III,
Aurangabad
Dated:-28.08.2023