

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23326 of 2015**

Arising Out of PS.Case No. -335 Year- 2012 Thana -MADHUBANI TOWN District-  
MADHUBANI

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1. Binay Mishra @ Bijay Mishra @ Bijay Kumar Mishra S/o Shri Jata  
Shankar Mishra R/o Village Arer, P.S. Arer, District Madhubani.

.... .... Petitioner

Versus

1. The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Anuj Kumar

For the Opposite Party : Mr. Ram Bachan Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      29-06-2015

Heard learned counsels for the petitioner and

the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 188, 353, 427, 448 of the Indian Penal Code.

It is alleged that thousand of people made protest and burnt the office of Sub-Divisional Officer and the Executive Magistrate leading to destruction of chair, table, almirah, computer and other articles.

It is submitted by learned counsel for the petitioner that the First Information Report was registered against thousand unknown. The name of the petitioner sprang up during investigation. The daughter of the District Programme Officer was alleged to be kidnapped by one Prashant Jha for that the cases were lodged from the girl and the boy sides. Subsequently one headless dead body was

recovered and the police under mistaken identity treated the alleged dead body to be of alleged boy against which the people gathered and made protest. Though the boy and the girl subsequently recovered and they admitted to have eloped in the background of love affairs. It is further submitted that accusation is omnibus and general against thousand people and subsequently the police implicated several innocent people. It is also submitted that Santosh Kumar Yadav & others have been granted bail vide Cr. Misc. No. 38374 of 2013.

Considering the nature of accusation, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Madhubani(Town) P.S. Case No. 335 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted on filing affidavit that he will co-operate in the investigation. Non-cooperation in the investigation will give liberty to the prosecution to file appropriate application for cancellation of bail of the petitioner.

**(Dinesh Kumar Singh, J)**

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