

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42480 of 2015

Arising Out of PS.Case No. -86 Year- 2014 Thana -MANSURCHAK District- BEGUSARAI

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Bhola Sada Son of Ram Uchit Sada, resident of village Kastoli, P.S.-
Mansurchak, District- Begusarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Mansurchak P. S. Case No. 86 of 2014 registered under Sections
147, 148, 149, 341, 323, 353, 333, 427 and 504 of the Indian Penal
Code as well as Sections 3 and 4 of Prevention of Damage of
Public Property Act, 1984.

It is contended that the FIR is based on confidential
information given by the *Chaukidar* on the basis of mere
suspicion. There is neither any independent witness nor any
substantial material to show the complicity of the petitioner in the
alleged offence. It is further contended that the petitioner has got
no criminal antecedent and is not likely to abscond or tamper with
the evidence, if he is released on bail. Further, three other co-
accused, namely, Shil Kumar Mahton, Amresh Mahto and Prince

Kumar having identical allegations to that of the petitioner, have already been granted bail under Section 438 of the Code of Criminal Procedure by a Bench of this Court, vide order dated 04.08.2015 passed in Cr. Misc. No. 30184 of 2015.

Learned counsel for the State has opposed the prayer for grant of anticipatory bail to the petitioner. However, he concedes that the case of the petitioner stands on identical footing to that of three other co-accused, who have already been granted anticipatory bail by a Bench of this Court, vide order dated 04.08.2015 passed in Cr. Misc. No. 30184 of 2015.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Rajesh Kumar Dwiwedi, the learned Judicial Magistrate, 1st Class, Begusarai in Mansurchak P. S. Case No. 86 of 2014, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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