

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51545 of 2014

Arising Out of PS.Case No. -70 Year- 2012 Thana -BARAULI District- GOPALGANJ

- =====
1. Pramod Tiwari S/O Jaleshwar Nath Tiwari
 2. Mintu Tiwari S/O Bindeshwasri Tiwari
 3. Devendra Nath Upadhyay @ Papu Upadhyay S/O Shree Kumar Upadhyay

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma

For the Opposite Party/s : Mr. Md.Sufiyan (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 14-05-2015 Heard learned counsel for the petitioners as well as learned counsel for the State.

In this application for anticipatory bail the petitioners apprehend their arrest for the offences punishable under sections 147, 148, 149, 341, 353, 427, 109 and 379 of the I.P.C.

The allegation against the petitioners is that they being journalists of Prabhat Khabar and Hindustan came in the chamber of the informant and told him that 200-250 persons of Fatehpur after forming a mob are coming and as such advised the informant to flee away and in the meantime the mob came and started vandalism and the petitioners pointed out towards the informant that he is the incharge and then the mob started coming towards the informant and then he fled away towards east and

again the mob at the instigation of the petitioners came at his residence and from there also the informant fled away and after one hour when the informant returned saw broken glass of window and broken chairs and further in quarter also chairs and tables were found broken.

Submission is of false implication and that no offence under sections 353 and 379 I.P.C. is made out against the petitioners. The petitioners have not caused any assault or used criminal force to the informant. They have been implicated on the basis of news items published in Prabhat Khabar. The charges have been framed against the informant vide Annexure-3 and taking the advantage of the situation the informant implicated the petitioners also though they have got no concern and they were there to collect news.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners

Considering the allegation attributed against the petitioners and further Annexure-3 wherein charges have been framed against the informant and as such the petitioners in case of their arrest or surrender within two months from the date of receipt/production of a copy of this order shall 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. C.J.M.
Gopalganj in Barauli P.S. Case No. 70 of 2012, subject to the
conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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