

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29756 of 2014

Arising Out of PS.Case No. -737 Year- 2013 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Jitendra Kumar, Son of Vivekanand Gupta, Resident of Village - Deotha,
P.S. - Pasraha, District - Khagaria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.39293 of 2014

Arising Out of PS.Case No. -737 Year- 2013 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Shashi Kumar Yadav, son of Sri Raghunandan Prasad Yadav, Resident of
Village- Louwalagan, P.S. Chousa, District- Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.29756 of 2014)

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Anita Kri.Singh(App)

(In Cr.Misc. No.39293 of 2014)

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Anil Kumar Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 15-01-2015 Both Criminal Miscellaneous are in connection with

same P.S. Case and as such have been heard together and are

being disposed of by this common order.

Heard learned counsel for the petitioners and learned

counsel representing the State.



The petitioners, apprehending their arrest in connection with Kotwali (University) P.S. Case No. 737 of 2013 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 448, 353, 307, 427, 333 and 337 of the Indian Penal Code and Section 3/4 of Prevention of Damage to Public Property Act seek the privilege of pre-arrest bail.

The learned counsel for the petitioners submits that the petitioners are named in the First Information Report but no specific overt act is attributed against the petitioners. The petitioner Jitendra Kumar is a Teacher and he was present in the School. The Headmaster of Urdu Middle School Goradih issued certificate that petitioner was present in the School on the date of occurrence. The petitioner has also filed a petition before D.I.G. Police to verify the Video footing and location of Mobile about the presence of the petitioner at the place of occurrence. It is submitted that for the same occurrence two cases have been lodged one by the police and another by Executive Magistrate i.e. Kotwali (University) P.S. Case No. 736 of 2013. The petitioner has been allowed pre-arrest bail by order dated 07.07.2014 vide Cr. Misc. No. 28053 of 2014 and the petitioner Shashi Kumar Yadav is also not having any specific allegation for committing overt act and he was also present for renewal of his licence at the

relevant date.

The learned Additional Public Prosecutor on the other hand opposes the prayer for anticipatory bail.

On perusal of the record, it is manifest that the petitioners are named in the F.I.R. but no specific overt act is attributed against them and as the petitioner Jitendra Kumar has been allowed pre-arrest bail in Kotwali (University) P.S. Case No. 736 of 2013 and as such, both the petitioners namely, Jitendra Kumar and Shashi Kumar Yadav are directed to 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 the learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (University) P.S. Case No. 737 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J.)

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