

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46069 of 2015

Arising Out of PS.Case No. -175 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Sunil Singh Son of Rambalish Singh, resident of village- Majuraha, P.S.-
Turkaulia, District- East Champaran (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Adv

For the Opposite Party/s : Mr. Dr.M.K.Gautam(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 04-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-188, 341, 353, 504/34 of the Indian Penal Code, Section-9 of Bihar Loud Speaker Act, 1955, and that this Court on perusal of the First Information Report was prima facie was not inclined to grant the privilege of anticipatory bail to the petitioner because an act which has been done by the petitioner is in violation of the general direction issued by the Apex Court apart from the provision of Bihar Loud Speaker Act, 1955, which completely prohibits playing of



loud speaker in any manner after 10 pm in the night. Here in this case, the petitioner is said to be responsible for organizing a full fledged music programme by organizing a dance party and dancing jack (D.J.) by payment of Rs. 25,000/- and when the officials by way of Chowkidar on the instruction of the Officer-in-charge had gone to ask the petitioner to stop the music function and the use of loud speaker, the Chowkidar was insulted and turned out. Learned counsel for the petitioner, however, submits that the incident was one in the village of the petitioner and the petitioner was not fully aware of the legal provisions and that the petitioner has also got no criminal antecedent. It has also been stated that the petitioner actually was celebrating the Sacred Thread Ceremony (Janeu) of his son.

This Court considering the aforementioned defence of the petitioner would be inclined to grant the privilege of anticipatory bail to the petitioner but only upon the petitioner depositing sum of Rs. 25,000/- , which shall

remain subject to final outcome of the trial of the criminal case pending against the petitioner.

That being so, if the petitioner namely, **Sunil Singh**, surrenders within a period of four weeks from today, and deposits sum of Rs. 25,000/-, he would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, East Champaran at Motihari** in connection with **Turkaulia P.S. Case No. 175 of 2015**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) The amount of Rs. 25,000/- deposited by the petitioner shall be kept in a fixed deposit in any nationalized bank and/or in a Post Office and shall be returned to the petitioner only when the petitioner would be honorably acquitted in the criminal case. In the event, the petitioner is convicted, this amount of Rs. 25,000/- with interest shall be deposited in the

P.M. Relief Fund.



(ii) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(iii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be

liable to be cancelled for reasons of misuse.

(v) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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