

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51720 of 2015

Arising Out of PS.Case No. -62 Year- 2013 Thana -AIRPORT District- PATNA

=====

1. Dheeraj Kumar @ Arvind Kumar C/o Ram Dev Singh Yadav, resident of Road No.21, House no.83, P.S.- Buddha Colony, District- Patna.
2. Rakesh Kumar Verma son of Late Shambhu Nath Verma, resident of 023, Yamuna Apartment, Jay Prakash Nagar, Patna-25, P.S- Rajeev Nagar, District- Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad, Advocate

For the Opposite Party/s : Mr. T.P.Mandal, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 10-11-2015 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Hawaii Adda P.S. Case No.62 of 2013 registered under Sections 147, 353 and 255 of the Indian Penal Code (for short “the Code”).

It is contended that though the FIR was registered on 20th April, 2013, the same was sent to the court after three days on 23rd April, 2013 and there is no reasonable explanation for the delay caused in sending the FIR to the court. It is further contended that the petitioners have been made accused in the FIR simply because some of the members of the mob were calling others as Dhiraj Kumar and Rakesh Kumar Verma. Another contention of the petitioners is that even if the entire allegations

are taken to be true, at best, the ingredients of offence punishable under section 225 of the Code would be attracted which is bailable in nature and there would be no application of Section 353 of the Code.

On the other hand learned counsel for the State submits that the allegations are quite serious in nature and the ingredients of the offence under section 353 of the Code applies to the facts and circumstances of the present case.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within four weeks from today, the above named petitioners 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 learned Chief Judicial Magistrate, Patna in connection with Hawaii Adda P.S. Case No.62 of 2013 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

U		T	
---	--	---	--