

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34330 of 2015

Arising Out of PS.Case No. -112 Year- 2015 Thana -MUFFASIL District- AURANGABAD

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1. Ashok Singh S/o Ramashish Singh
 2. Rahul Kumar S/o Mritunjay Singh
 3. Rohit Kumar @ Chhotu S/o Mritunjay Singh All three are Resident of Village Jasoiya, P.S. Aurangabad (T), District Aurangabad.
 4. Piyush Kumar S/o Brahmanand Sahay Resident of Mohalla Karma Road, P.S. Aurangabad (T), District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. S.Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-09-2015

Heard learned counsels for the petitioners

and the State.

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 447, 341, 323, 386, 387, 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that five accused persons entered into the cement factory and when it was protested by the security supervisor Amrendra Kumar Singh, whereupon Sani Kumar and petitioner No. 2 Rahul Kumar along with others made assault as accused were protesting for not giving contract of canteen in the premises of cement factory. It is also alleged that petitioner No. 2 Rahul Kumar resorted to fire in the air. The accusation against petitioners

and others is that they also threatened for not providing employment.

It is submitted by learned senior counsel for the petitioners that for the same incidence other F.I.R was lodged by one Manoj Kumar, canteen owner of the said factory being Aurangabad(M) P.S. Case No. 111 of 2015, wherein it was alleged that Sani Kumar and petitioner No. 2 Rahul Kumar came, destroyed the articles, made assault, took away Rs. 70,000/- and gold chain worth Rs. 35,000/-. The accusation in both the cases is not specific against the petitioners and apart from these two cases the petitioners are not accused in any other case.

Considering the fact that specific accusation is against petitioner No. 2 namely Rahul Kumar, let learned Court below consider the prayer for regular bail of petitioner No. 2 namely Rahul Kumar, if he surrenders within a period of six weeks in connection with Aurangabad(M) P.S. Case No. 112 of 2015, pending in the Court of learned Chief Judicial Magistrate, Aurangabad.

Accordingly the application with regard to petitioner No. 2 Rahul Kumar is disposed of.

Considering the fact that there is no specific accusation against petitioner Nos. 1, 3 and 4 namely Ashok Singh, Rohit Kumar @ Chhotu and Piyush Kumar, let the petitioner Nos. 1, 3 and 4, above named, in the event of their arrest or surrender before the Court below within a period of 12

weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad(M) P.S. Case No. 112 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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