

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29992 of 2014

Arising Out of PS.Case No. -68 Year- 2014 Thana -RAJAPAKAR District- VAISHALI(HAJIPUR)

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1. Jagdeo Singh Son of Late Janki Singh
2. Dilip Kumar Son of Sri Jagdeo Singh
3. Rajeev Kumar Son of Sri Jagdeo Singh
4. Rishi Kumar Son of Sri Dilip Kumar
5. Pinki Devi Wife of Sri Rajeev Kumar
6. Ganga Devi Wife Sri Jagdeo Singh All resident of village- Baikunthpur,
P.O.- Baikunthpur, P.S. Rajapakar, District- Vaishali at Hajipur.

... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navjot Yeshu

For the Opposite Party/s : Mr. Shakir Ahmad(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-01-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

It has been submitted that petitioner no. 1 has died and
petitioner no. 3 has been arrested by the Police during the pendency of
this application, and as such, prayer of anticipatory bail on behalf of
both petitioners this application has become infructuous.

Accordingly, this application, on behalf of petitioner
nos. 1 and 3 is dismissed as infructuous and now, remain petitioner nos.
2, 4, 5 and 6 only, who apprehend their arrest in connection with
Rajapakar P.S. Case No. 68 of 2014 registered for the offences
punishable under Sections 353, 379, 427, 504, 506/34 of the Indian
Penal Code.

Allegedly, petitioner nos. 2, 4, 5, and 6 and others pulled

away bricks from the soling done on the road and on asking caused threats. It is alleged that they have stolen away the bricks.

Submission is that as a matter of fact some portion of the land over which the road was to be constructed is raiyati land and raiyat concerned made objection resulting the road was not constructed and the petitioners have falsely been implicated only with a view to harass them.

Learned APP duly assisted by the learned counsel for the informant opposes the prayer for bail.

Informant of this case is Panchyat Sevak and there is allegation that the petitioners have committed theft of bricks which were used in the construction of the road of the village and the said bricks were kept at their door and further they caused threats, and as such, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioners, accordingly, their such prayer stands rejected.

However, in case and if so advised, the petitioners surrender and seek regular bail before the court below, then their prayer for bail shall be considered on its own merit on the same day without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

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