

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9855 of 2016

Arising Out of PS.Case No. -171 Year- 2015 Thana -SILAO District- NALANDA
(BIHARSHARIFF)

- =====
1. Krishna Nandan Singh @ Krishnandan Singh son of Chandreshwar Singh
2. Barun Kumar son of Krishna Nandan Singh Both residents of Village-
Bindidih, Police Station- Silao, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 23-05-2016 Heard Mr. Ojha for the petitioners. No one has
appeared on behalf of the State.

The two petitioners, father and son have been named
as accused by the Sub Inspector of Police alleging that on the date
of poll a mob of more than 150 persons had assembled at booth
nos. 169 and 170 and obstructed the polling inasmuch as the
voters were scared away. The villager Chowkidar subsequently
disclosed the name including the petitioners who constituted the
mob.

Contention of the petitioners is that there is nothing
alleged against the petitioners constituting offence under Section
307 of the IPC. The villager chowkidar has disclosed the names
for some oblique reasons. The petitioners have no criminal
antecedents.

In the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioners. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, 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, Nalanda at Bihar Sharif in connection with Silao P.S. case no. 171 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner(s).
- (ii) As soon as the charges are framed the petitioner(s) shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner(s) and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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