

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.919 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

- =====
1. Madhu Sharma, wife of Ajay Narayan Sharma, resident of Shyam Bhawan, Chaudhary Tola, Jagannath Singh Lane, P.S.-Sultanganj, District-Patna.
 2. Nirmala Sharma, wife of Vijay Narayan Sharma, resident of Shyam Bhawan, Chaudhary Tola, Jagannath Singh Lane, P.S.-Sultanganj, District-Patna.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna Zone, Patna.
4. The Collector-cum District Magistrate, Patna.
5. The Sub-Divisional Magistrate, Patna City, Patna.
6. The Deputy Superintendent of Plice, Patna East, Patna.
7. Sri Dinesh Chandra Srivastava, Station House Officer, Sultanganj Police Station, District-Patna.
8. Sri Vinod Kumar, Sub-Inspector of Police, Sultanganj Police Station, Patna.

.... Respondents

=====

Appearance:

For the Petitioner/s : Mr. Jagannath Singh, Advocate.
For the Respondent/s : Mr. M. N. H. Khan, SC-1.
Mr. Md. Irshad, AC to SC-1.

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 23-09-2016

The grievance of the petitioner is that in Misc. Case No. 437 of 2016, an order was passed to furnish the bonds of a sum of Rs. 5 lakhs which violates the fundamental rights of the petitioners.

2. A perusal of the Anenxure-1 shows that on 06.08.2016, the Sub-Divisional Magistrate, Patna City has issued a show cause notice to the petitioners due to the apprehension due to breach of peace under Section 107 Cr.P.C. The petitioners were

called upon to appear before the Magistrate on 27.08.2016 and also to explain as to why the bonds of a sum of Rs. 5000/- be not taken from them for maintaining peace and tranquility. On 12.08.2016, the petitioners were arrested and produced before the Magistrate. The Executive Magistrate called upon both the sides to furnish bonds of a sum of Rs. 5 lakhs to maintain peace and public tranquility.

3. The grievance of the petitioner is that in the show cause notice, the bond sought was of a sum of Rs. 5000/-, whereas the learned Sub-Divisional Magistrate has called to the petitioners to furnish bond of Rs. 5 lakhs, which is contrary to the show cause notice.

4. I have heard learned counsel for the petitioners and found no merit in the present application.

5. The proceedings under Section 107 are the proceedings for maintaining peace and public tranquility. Though the show cause notice contemplates the bond of Rs. 5000/-, but even before the date of hearing fixed, the parties were arrested and produced before the Executive Magistrate who passed an order for furnishing a bond of Rs. 5 lakhs. The proceeding under Section 107 is to maintain peace and public tranquility. Therefore, the direction to furnish a bond of sum of Rs. 5 lakhs cannot be said to unwarranted, when the bonds were sought even before the date of hearing fixed in

the show cause notice. More so the petitioners have furnished bonds in the sum of Rs 5 Lakhs. Therefore, they cannot be given liberty to raise grievance after furnishing of the bonds.

6. I do not find any merit in the present petition.

Therefore, the same is dismissed.

(Hemant Gupta, J.)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	27.09.2016
Transmission Date	27.09.2016