

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17880 of 2016

Arising Out of PS.Case No. -248 Year- 2014 Thana -KHAGARIA District- KHAGARIA

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1. Sanjeev Yadav S/O- Late Bhudal Yadav,
2. Kailu Yadav, S/O- Late Rajendra Yadav,
3. Amrit Yadav @ Amrit Kumar S/O- Sujeet Yadav,
4. Parmeshwar Yadav S/o- Late Badim Yadav,
5. Bipin Yadav, S/O- Late Ramchandra Yadav,
6. Tuntun Yadav, S/O- Bhola Yadav, All are resident of village-
Kumharchakki, P.s.- Muffasil, District- Khagaria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Chandra, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-05-2016 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Khagaria (Mufassil) P. S. Case No. 248/2014 (G.R. No. 804/2014)
registered for offences punishable under Sections 147, 188 and
353 of the Indian Penal Code.

The prosecution case as lodged on the basis of
written complaint by the informant, Pradeep Kumar Sinha wherein
it is mentioned that on 24.04.2014 the petitioners alongwith co-
accused persons violated the order passed under Section 144 of the
Cr. P.C. and thereby blocked N.H. 31 wherein the petitioners
Tuntun Yadav and other co-accused persons instigated against the
administration.

It has been submitted by the learned counsel for the petitioners that sections 147 and 188 are bailable offence and Section 353 of the Indian Penal Code is not applicable. It has further been submitted that all the petitioners have clean antecedent, which is evident from para-3 of this application.

Learned counsel for the petitioners further submits that no overt act has been committed and no offence is made out as the petitioners have not participated in the alleged occurrence.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 248/2014 ((G.R. No. 804/2014), subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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