

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37118 of 2016

Arising Out of PS.Case No. -111 Year- 2016 Thana -SHEOHAR District- SHEOHAR

- =====
1. Dwarika Nath Prasad, son of Sri Bhola Nath Prasad
 2. Rahul Kumar @ Rahul Kumar Prasad, son of Dwarika Nath Prasad
 3. Chandan Kumar @ Golu Kumar @ chandan, son of Dwarika Nath Prasad
 4. Chhotu Kumar @ Sahil, son of Sri Bhagwan Prasad,
- All are resident of Ward No. 10, Nagar Panchayat + P.S. + District - Sheohar

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Mohan

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 20-09-2016

Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Sheohar Police Station Case No. 111 of 2016, disclosing offences under Sections 341/342/323/353/504/ 34 of the Indian Penal Code.

On perusal of the First Information Report, I find that there is allegation of "*misbehaviour*" and "*causing obstruction in discharge of official duty*" by these petitioners when the Nagar Panchayat, Sheohar, was taking action for removal of encroachment.

Learned Counsel for the petitioners has rightly submitted that on the basis of the allegation made in the First Information Report, no offence under the various

sections of the Indian Penal Code, as leveled in the First Information Report, are made out and that the allegation is completely vague.

Considering the nature of allegation, as levelled in the First Information Report, this application is allowed.

Let the petitioners, namely, Dwarika Nath Prasad, Rahul Kumar @ Rahul Kumar Prasad, Chandan Kumar @ Golu Kumar @ Chandan and Chhotu Kumar @ Sahil, in the event of their arrest or surrender before the Court below within six weeks, 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 learned Chief Judicial Magistrate, Sheohar, in connection with Sheohar Police Station Case No. 111 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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