

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39277 of 2016

Arising Out of PS.Case No. -109 Year- 2011 Thana -WARISNAGAR District- SAMASTIPUR

1. Ram Naresh Singh son of Late Chilmil Singh,
2. Dilip Singh son of Late Chilmil Singh,
3. Munna Singh @ Muna Singh son of Late Chilmil Singh,
4. Kundan Singh son of Dilip Singh,
5. Sohan Singh @ Sohan Kumar son of Ram Naresh Singh,
6. Akhilesh Singh son of Late Ganga Singh,
All Resident of Village- Kishanpur Baikunth, Police Station- Warisnagar,
District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 23-09-2016 Heard Sri Rana Sanjay Kumar Singh, learned counsel
for the petitioners and Sri Parmeshwar Mehta, learned Additional
Public Prosecutor.

Six petitioners, who were named as accused in the
F.I.R. in Warisnagar P.S. Case No. 109 of 2011 , registered for
the offence under Section 341, 323, 448, 354, 379, 504 and
427 / 34 of the Indian Penal Code , have prayed for grant of bail
in the event their arrest or surrender.



It was submitted by learned counsel for the petitioners that it is true petitioners were made accused for cognizable offence in the F.I.R. however, since the case was falsely filed against the petitioners Police had not taken any step. Police finally submitted charge sheet only under Section 504 of the Indian Penal Code, which is a bailable Section. According to learned counsel for the petitioners charge sheet was submitted long back in the year 2011 itself however after lapse of several years vide order dated 16.6.2016 i.e. Annexure- 2 to the present petition the learned Chief Judicial Magistrate differing with the police report took cognizance of offence under Section 504 and 379 of the Indian Penal Code only thereafter cause of action arose for the petitioners for approaching this court for grant of anticipatory bail.

Sri Mehta, learned Additional Public Prosecutor has opposed the prayer and submits that in the F.I.R. there was specific accusation against the petitioners.

However keeping in view the fact that Police after investigation submitted report for cognizable offence and the learned Chief Judicial Magistrate after much delay has passed the order of cognizance differing with the police report, besides Section 504 of the Indian Penal Code he has also taken

cognizance under Section 379 of the Indian Penal Code, the court is of the opinion that petitioners deserve the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the aforesaid six petitioners Ram Naresh Singh, Dilip Singh, Munna Singh @ Muna Singh, Kundan Singh, Sohan Singh @ Sohan Kumar and Akhilesh Singh be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Samastipur / concerned court in connection with Warisnagar P.S. Case No. 109 of 2011 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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