

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8696 of 2016

Arising Out of PS.Case No. -183 Year- 2015 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

- =====
1. Upendra Yadav Son of Kanhaiya Yadav
 2. Sunil Kumar@sunil Kumar Yadav Son of Ram Sakal Yadav
 3. Ravi Kant Yadav son of Suresh Yadav all resident of Village- Bhanpur P.s Durgawati District Kaimur Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh

For the Opposite Party/s : Mr. Suman Kumari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-02-2016 Heard learned counsels for the petitioners, informant and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 147, 341, 323, 453, 354, 504 and 427 of the Indian Penal Code.

The prosecution case is that an enquiry was conducted in Primary School, Bhanpur by Anil Kumar Tiwary, the person authorized to conduct the enquiry. In the meantime, the FIR named accused persons, including the petitioners, entered into the school and enquired about the explanation sought for from Anju Kumar, a teacher of the school, then the informant, Headmistress

of the school, replied that they should ask about it from Anil Kumar Tiwary, who had sought explanation from Anju Kumari, but the accused persons tried to outrage the modesty of informant, assaulted her, damaged the registers and obstructed the official work.

It is submitted by the learned counsel for the petitioners that the accusation is omnibus and general. For the occurrence dated 26.08.2015 at 10.30 AM the FIR was registered on 27.08.2015 and as a retaliatory measure the present case has been lodge as Secretary of the School has lodged Durgawati P.S. case No. 184 of 2015 against the informant. Statement has been in paragraph 3 of the petition that the petitioners have no criminal antecedent. From perusal of the records, it appears that the petitioners have in no way connected with the affairs of the school.

Considering the aforesaid facts, let the above named petitioners be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 183 of 2015

subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners shall be accepted by the learned court below on filing of affidavit by each petitioner to the effect that they will not enter into the school premises for six months. The provisional bail of the petitioners shall be confirmed by learned court below after obtaining a report from the concerned police station with regard to their behaviour.

(Dinesh Kumar Singh, J)

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