

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7541 of 2016

Arising Out of PS.Case No. -85 Year- 2015 Thana -SAKRI District- MADHUBANI

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1. Golu Ram S/o Devanand Ram
2. Anita Devi W/o Devanand Ram
3. Sonam Kumari D/o Devanand Ram All resident of village - Sahwani
Pokhar, P.S. Sakari, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Prasad Singh, Sr. Adv.
Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Arun Kr. Panday (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 17-03-2016

Learned Counsel for the petitioners is permitted to make necessary correction in paragraph 1 of the application in course of the day by striking of unnecessary part.

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

This application, for grant of anticipatory bail, arises out of Sakari Police Station Case No. 85 of 2015, disclosing offences under Sections 147, 148, 149, 341, 323, 332, 333, 504, 307 and 353 of the Indian Penal Code.

The Officer-in-Charge of Pandaul Police Station is the informant of the present case. The occurrence is said to have taken place when he was making an attempt to



arrest petitioner no. 1 in connection with Pandaul Police Station Case No. 149 of 2015, which was registered for the offences punishable under Sections 147, 148, 149, 323, 333, 307, 353, 427, 379, 440 of the Indian Penal Code. It is alleged that the accused persons caused obstruction in discharge of official duty of the informant who was making an attempt to arrest petitioner no. 1 in connection with the said Pandaul Police Station Case No. 149 of 2015. It is alleged that father of petitioner no. 1 put on electric switch so that electric shock could be caused to the police party engaged in arrest of petitioner no. 1. It is also alleged that due to noise created by the petitioners, several persons gathered, armed with lathi etc. and attacked the police force with an intention to kill them and rescue petitioner no. 1 from his arrest.

Petitioner no. 2 is the mother of petitioner no. 1; whereas petitioner no. 3 is his sister.

Learned Senior Counsel appearing on behalf of the petitioners has submitted that merely one day before the institution of the present case, the said Pandaul Police Station Case No. 149 of 2015 was instituted against petitioner no. 1. He submits that no offence under Section 307 of the Indian Penal Code is made out on the basis of the allegation as contained in the First Information Report

and institution of the present First Information Report, in the manner in which it has been done, is an abuse of the process of law.

Be that as it may, in the facts and circumstance of the case, this application is allowed.

Let the petitioners, namely, Golu Ram, Anita Devi and Sonam Kumari, 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, Madhubani, in connection with Sakari Police Station Case No. 85 of 2015, 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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