

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40227 of 2016

Arising Out of PS.Case No. -53 Year- 2014 Thana -PARIHAR District- SITAMARHI

1. MINA KUMARI @ SMT. MEENA KUMARI Wife of Vijay Pandey
2. Praveen Kumar Son of Vijay Pandey
3. Subodh Thakur Son of Late Brahmdev Thakur All residents of Village -
Sutihara, P.S. - Parihar, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-10-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Parihar P.S.Case No. 53 of 2014 registered for offences
punishable under Sections 147, 149, 341, 342, 152 and 353 of the
Indian Penal Code.

The prosecution case as lodged by the Circle Officer of
Parihar Block is that a team led by Block Development Officer
and Police personnel had gone to remove encroachment, caused
on the public land by constructing school building. Allegedly, the
petitioners caused obstruction, resulting into breach of peace and
damage of public property.



It has been submitted by the learned counsel for the petitioners that they are innocent and there was a mob of about 100 or more people and the petitioners along with other six persons were named in the F.I.R. It has been submitted that the petitioner Nos. 2 and 3 have no concern with the building and the petitioner No. 1 is Headmistress of the School. It has further been submitted that the petitioners have no criminal history as is evident from para-3 of this application and other co-accused named in the F.I.R. have been granted privilege of anticipatory bail in Cr. Misc. No. 40526 of 2016 dated 23.09.2016 on the ground that there is no specific allegation of any overt act by co-accused therein.

However, learned A.P.P. for the State submits that the petitioners are named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since on similar allegations other co-accused have been granted the privilege of anticipatory bail, 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 bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Additional Chief

Judicial Magistrate- VIII, Sitamarhi in connection with Parihar
P.S.Case no. 53 of 2014, subject to the conditions as laid down
under Section 438 (2) of the Cr. P.C.



(Nilu Agrawal, J)

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