

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13728 of 2016

Arising Out of PS.Case No. -387 Year- 2015 Thana -GAYA MUFFSIL District- GAYA

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1. Deokant Kushwaha @ Bhutto S/o Ram Sharan Mehta
 2. Sunil Mehta S/o Ram Sharan Mehta
 3. Ram Kripal Mistri S/o Ram Bali Mistri
 4. Nitish Misra @ Nitish Mishra S/o Ram Krishna Mishra

All residents of Village - Sohaipur, P.S. - Muffasil, District - Gaya.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 31-03-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Muffasil P. S. Case No. 387 of 2015 registered under Sections
147, 148, 149, 341, 323, 332, 333, 353, 307 and 504 of the
Indian Penal Code and 27 of the Arms Act.

It is contended that the petitioners have been
implicated in the present case due to executive arbitrariness and
administrative highhandedness. In the FIR, altogether 37
persons have been named, including the petitioners apart from
400-500 unknown villagers on mere suspicion. It is further
contended that there is no specific allegation as against the
petitioners and even otherwise, no damage to any Government

property has been caused. It is also contended that in the given facts and circumstances, non-bailable offences punishable under Sections 353 and 307 of the Indian Penal Code are not attracted.

On the other hand, learned counsel for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. He has also contended that a mob of about 400-500 persons, including the petitioners had created hurdle in discharge of official duty to the police and had blocked the road raising some protest.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within four weeks from today, the petitioners named above, who are the men of clean antecedent, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in Muffasil P. S. Case No. 387 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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