

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23065 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -KURTHA District- JEHANABAD

- =====
1. Birendra Prasad Singh @ Birendra Singh, son of Chandrabansh Narayan Singh.
 2. Rajendra Prasad Singh, son of Chandrabansh Narayan Singh.
 3. Raj Kishore Prasad Singh @ Raj Kishore Singh, son of Chandrabansh Narayan Singh.
 4. Vikash Kumar, son of Birendra Prasad Singh @ Birendra Singh.
 5. Sudhir Singh @ Sudhir Kumar Sudhanshu, son of Raj Kishore Singh.
 6. Rajiv Kumar, son of Rajendra Prasad Singh,
- All residents of Nasirna, P.S. Kurtha (Manikpur), District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 24-05-2017 A supplementary affidavit has been filed on behalf of

the petitioners. Let it be kept on the record.

It has been submitted that petitioner Nos. 2 and 5 have

been arrested by the police and, hence, their application for

anticipatory bail has become infructuous.

Therefore, anticipatory bail application against

petitioner Nos. 2 and 5 is dismissed as withdrawn as having

become infructuous.

Heard learned counsel for the petitioners and the

State.



The petitioner Nos. 1, 3, 4 and 6 apprehend their arrest in Kurtha (Manikpur) P.S. Case No. 12 of 2017 instituted for the offence under Sections 147, 353, 332, 337, 427 and 504 of the Indian Penal Code.

As per written report, these petitioners started brick bating on police officials by using filthy language since the informant and his other associates had arrested Munna Kumar and Chhotu Kumar, the FIR named accused of Kurtha (Manikpur) P.S. Case No. 11 of 2017 in which police Officials also got injured.

It is mentioned in the impugned order itself that no injury report of the injured police officials has been collected by the I.O. till the date of writing the impugned order by the learned Sessions Judge.

It has been submitted that regarding highhandedness of the police, the petitioner No. 1 has made a complaint before D.G.P., I.G., D.I.G and Human Right Commission on 17.1.2017, 9.2.2017 and 27.2.2017 giving therein detail of atrocities committed by the informant and other officer of Manikpur (O.P.) as per Annexure-2 of the bail petition.

It is mentioned in paragraph-3 of the bail petition that petitioner has no criminal antecedent.

Considering the facts and circumstances of the case,



prayer for anticipatory bail of the petitioner Nos. 1, 3, 4 and 6 namely, Birendra Prasad Singh @ Birendra Singh, Raj Kishore Prasad Singh @ Raj Kishore Singh, Vikash Kumar and Rajiv Kumar is allowed. In the event of surrender/arrest of the petitioner Nos. 1, 3, 4 and 6, named above, within six weeks from today, in connection with Kurtha (Manikpur) P.S. Case No. 12 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Arwal, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

S.Ali/-

(Sanjay Priya, J)

U		T	
---	--	---	--

