

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43387 of 2017

Arising Out of PS.Case No. -177 Year- 2011 Thana -SAHARSA District- SAHARSA

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1. Shi Shankar Vikrant, Son of Late Jhameli Bhagat, Resident of Mohalla- Bengali Bazar, Ward No.20, P.S. + District- Saharsa.

2. Vikash Kumar Gupta @ Vikash Gupta @ Kunal Gaurav, Son of Vijay Kumar Gupta, Resident of D.B. Road, Saharsa, P.S. + District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 22-09-2017 Heard the parties.

This application, for grant of anticipatory bail, arises out of Saharsa P.S. Case No. 177 of 2011, disclosing offences under Sections 147, 148, 149, 188, 353, 427, 447, 448, 436 and 337 of the Indian Penal Code.

The allegation is that the petitioners entered into the office of Assistant Electrical Engineer, Electric Supply Sub-Division, Saharsa and damaged furniture, new



and old meters, files and documents etc. by putting them on fire. An amount of Rs. 50,000/- has been assessed to be the damage caused by such occurrence. The petitioners have been described as '*Andolankari*' (agitationists). The First Information Report was registered in the year 2011.

I do not find any justification for the petitioners to approach this Court for grant of anticipatory bail after six years of lodging of the First Information Report, though had the petitioners approached this Court within reasonable time, a case of grant of granted anticipatory bail on the basis of what has been alleged in the First Information Report, would have been made out.

Learned counsel for the petitioners has submitted that on the same date, two First Information Reports, bearing (i) Saharsa Sadar P.S. Case No. 178 of 2011 and (ii) Saharsa Sadar P.S. Case No. 179 of 2011, were registered, making similar allegation. The petitioners are accused in other cases also as has been mentioned in paragraph 3 of the application, all relating to their activities as agitationists.

Be that as it may, in the facts and circumstances of the case, I direct the petitioners to appear before the court below within a period of six weeks



from today and seek regular bail. If they do so, their application for regular bail shall be considered by the learned court below on the same date and dispose of, considering the nature of allegation and observations made by this Court in the present order.

The learned court below, while considering the petitioners' application for regular bail, would also keep in mind that similarly circumstanced co-accused person has been allowed anticipatory bail by this Court *vide* order dated 29.01.2015, passed in Cr. Misc. No. 31254 of 2014.

The application stands disposed of with the observation as above.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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