

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50852 of 2017

Arising Out of PS.Case No. -26 Year- 2017 Thana -KANGALI District-
WESTCHAMPARAN(BETTIAH)

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1. Enullah Khan son of Ibrahim Khan,
2. Shahrukh Khan son of Enullah Khan,
3. Raja Khan son of Dhamu Khan, All residents of Village- Bheriharwa,
P.S.- Kangali, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection
with Kangali P.S.Case No. 26 of 2017 registered under Sections
147, 148, 149, 341, 323, 379 and 353 of the Indian Penal Code.

It is contended by the learned counsel for the
petitioners that the implication of the petitioners is a glaring
example of arbitrariness by the police. The petitioners are neither
named in the FIR nor is there any tangible material against them.
However, an FIR was registered against 200-300 unknown
persons and the police are victimizing innocent persons in the case
maliciously. It is further contended that the provisions of Sections



379 and 353 of the Indian Penal Code are not applicable in this case so far as the petitioners are concerned whose involvement in the alleged occurrence is not found.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail of the petitioners.

Regard being had to the nature of allegation and the alleged involvement of large number of persons, in the event of arrest or surrender before the court below within four weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bettiah, West Champaran in connection with Kangali P.S.Case No. 26 of 2017, 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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