

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61786 of 2017

Arising Out of PS. Case No.-188 Year-2017 Thana- DURGAWATI District- Bhabhua
(Kaimur)

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1. Toni Singh, S/o Shri Prakash Singh
 2. Rishimuni Seth, S/o Babulal Seth,
 3. Rahul Singh @ Rahul Kumar Singh, S/o Parmhansh Singh, All residents of Village- Dhanecha, P.S.- Durgawati, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh
For the Opposite Party/s : Mr. SRI ANANT KUMAR

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2017 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 341,323,379,385 and 387/34 of the IPC.

The prosecution case is that a bus of the informant Prince Kumar Singh, being the owner of Arvind Travels, was going from Banaras to Sasaram on 5.9.2017 at 1.35 P.M. When the bus reached near village Dhanechha, a dispute arose with regard to collection of donation on the event of Durga Pooja celebration when the petitioners, claiming to be Chairman and Members of the Durga Pooja



Samiti along with 5-7 other persons, assaulted the driver and conductor of the bus and snatched the challan.

It is submitted by learned counsel for the petitioners that the accusation has been levelled only under sections 379 and 387 of the IPC but even assuming the accusation to be true, no offence under sections 379 and 387 of the IPC is made out. It is further submitted that for the occurrence of 5.9.2017 the FIR was registered on 7.9.2017 whereas the FIR reached to the court of learned Judicial Magistrate on 9.9.2017. Statement has been made in paragraph 3 of the petition that the petitioner no. 1 is accused in one other case apart from the present case in which he is on bail and petitioner nos. 2 and 3 are not having any criminal antecedent. The petitioners claim to be students.

Considering the delayed lodging of the FIR, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Kaimur at Bhabua in connection with Durgawati P.S. Case No.188 of 2017.



The learned court below will be at liberty to cancel the bail bonds of the petitioners in case they get involved in similar nature of offence.

(Dinesh Kumar Singh, J)

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