

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6380 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -DURAULI District- SIWAN

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1. Sheonath Bhagat
2. Jai Prakash Bhagat Both Sons of Ram Prasad Bhagat, Resident of Village- Tarwa Parshia, Police Station- Darauli, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Sri Shailendra Kumar -1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-02-2017 Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

Petitioners are languishing in judicial custody since 04-01-2017 in connection with Darauli P.S. Case No. 01 of 2017 registered for the offences punishable under Sections-341, 323, 332, 353, 504, 506/34 of the Indian Penal Code and Sections-37(B)-41(i) of Bihar Excise Act, 2016.

The prosecution case as lodged by the police personnel is that on patrolling duty, they found the petitioner No. 1 in a drunken state and when he was arrested, his full brother i.e. petitioner No. 2 started abusing and assaulted the police personnel and also, tried to take away the petitioner No. 1 from the custody of the police, but was arrested.



It has been submitted by learned counsel for the petitioners that they are innocent having no criminal antecedent. They have falsely been implicated by the police personnel who were in civil dress and were resorting to high handedness. It has further been submitted that no incriminating article has been recovered from conscious possession of the petitioners.

However, learned A.P.P. for the State submits that petitioners are named in the first information report, hence opposes the prayer for bail.

Considering the facts and circumstances of the case and that petitioners have got no criminal antecedent, let the petitioners named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Darauli P.S. Case No. 01 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-III, Siwan.

(Nilu Agrawal, J)

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