

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33666 of 2017

Arising Out of PS.Case No. -50 Year- 2012 Thana -JANTA BAZAR District- SARAN

- =====
1. Rajbal Kushwaha sonof late Dindyal Prasad @ Dina Nath Prasad,
Resident of village Saran, P.S. Janta Bazar, District- Saran
 2. Sushil Kushwaha @ Sushil Kumar sono of Late Lal Babyu Prasad,
Resident of village- Lahladpur, P.S.- Janta Bazar, District- Saran
 3. Babalu Kushwaha son of Janardan Kushwaha, Reisident of village-
Lahladpur, P.S.Station – Janta Bazar, District- Saran
 4. Hari Kishroe Kushwaha @ Hari Kishore Prasad, son of Late Ramprit
Kushwaha, Resident of village- Bhatwaliaya P.S. Janta Bazar, District-
Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Opposite Party/s : Mr. Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 20-07-2017 Heard the parties.

The petitioners are apprehending their arrest in connection with Janta Bazar P.S.Casae No.50 of 2012 registered for offences punishable under Sections 147, 353, 427 and 504 of the Indian Penal Code.

Allegation against the petitioners is of creating nuisance and damaging the property at the police station and one of the petitioner i.e. petitioner no.2 is named in the F.I.R.

Submission of the learned counsel for the petitioners is that all the persons were on police bail under Section 41 of Cr.P.C. and except petitioner no.2, none of them are named in the F.I.R.



So far petitioner no.2 is concerned, it is submitted that no case under Section 353 Cr.P.C. is made out against him.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner No.1 (Rajbal Kushwaha), Petitioner no.3 (Babalu Kushwaha) and petitioner No.4 (Hari Kishore Kushwaha @ Hari Kishore Prasad), in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M. I, Saran at Chapra in connection with Janta Bazar P.S.Case No.50 of 2012 dated 5.6.2012, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the police, otherwise, the prosecution is free to move for cancellation of their bail bond.

So far petitioner no.2 (Sushil Kushwaha @ Sushil Kumar) is concerned, I am not inclined to grant anticipatory bail to the petitioner, however, the petitioner is directed to surrender



before the learned court below within a period of four weeks and make prayer for regular bail, which will be considered by the learned court below and he will also consider that the petitioner was on police bail earlier and submission is that no specific allegation has been attributed against him.

Considering the aforesaid facts, he will pass appropriate order without being prejudiced by the order of this Court.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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