

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48311 of 2017

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1. Raushan Singh @ Raushan Kumar @ Roshan Singh,
2. Rajesh Kumar @ Rajesh Kumar Singh, Both are sons of Late Vijay Singh, Resident of Village- Gangaur, Police Station- Gangaur, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Adv.

For the Opposite Party/s : Mrs. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 29-11-2017 This application under Section 482 of the Code of Criminal Procedure has been filed for restoration of Cr.Misc. No. 41636 of 2017, which was dismissed due to non-prosecution on 19.09.2017.

It is submitted by the learned counsel for the petitioner that on 19.09.2017 when the aforesaid case was called for hearing in admission matter, the counsel for the petitioners was arguing another matter before a coordinate Bench and, thus, he could not attend the proceedings of Cr.Misc. No. 41636 of 2017, as a result of which the same stood dismissed for want of prosecution.

In view of the submissions made above, the application is allowed and Cr.Misc. No. 41636 of 2017 is restored



to its original file.

Cr.Misc. No. 41636 of 2017

This application has been filed by the petitioners for grant of pre-arrest bail in connection with Khagaria (Town) P.S. Case No. 527 of 2016 registered under Sections 147, 148, 149, 504, 307 of the Indian Penal Code and Section 27 of the Arms Act.

It is submitted by the learned counsel for the petitioners that the First Information Report has been instituted on account of ongoing land dispute. He submitted that for the same alleged occurrence another FIR has been instituted by one of the staff of petitioner no.1 Raushan Singh @ Raushan Kumar @ Roshan Singh, vide Khagaria P.S. Case No. 529 of 2016, inter alia under Section 307 of the Indian Penal Code and Section 27 of the Arms Act. He submitted that even otherwise nobody has been hurt from the side of the prosecution in the alleged incident.

Learned counsel for the State has opposed the application for grant of pre-arrest bail of the petitioner.

Having regard to the allegations made in the FIR and the submissions made above, 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 Chief
Judicial Magistrate, Khagaria in connection with Khagaria (Town)
P.S.Case No. 527 of 2016, 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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