

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57928 of 2017

Arising Out of PS.Case No. -296 Year- 2017 Thana -MASAURHI District- PATNA

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1. SRI SUBE @ KAUSHAL PRASAD @SUBE, Son of Sri Jalim Gope.
2. Pappu Kumar Son of Sri Kameshwar Prasad. Both Resident of Village-
Balaitha, P.S.- Masaurhi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 11-12-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Masaurhi P.S. Case No.
296 of 2017 instituted for the offence under Sections-141, 343 & 353,
of the Indian Penal Code.

It has been submitted on behalf of the petitioners that
injunction order has been passed by the court of Munsif, Masaurhi in
Title Suit No. 23 of 2017 by order dated 16-08-2017 with respect to the
land for which, the informant has alleged that he has gone to remove
encroachment. It is further submitted that allegation against these
petitioners is that they were instigating the mob of 150-200 persons
who were raising objection of said act of the informant to remove the
encroachment.

The injunction order has been annexed as Annexure-3 to
this petition.



In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Masaurhi P.S. Case No. 296 of 2017 to the satisfaction of Sri Ranjay Kumar, learned Judicial Magistrate-Ist Class, Masaurhi, Patna subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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