

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1938 of 2018

Arising Out of PS. Case No.-129 Year-2013 Thana- MAHESI District- East Champaran

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1. Dilip Rai @ Dilip Kumar, Son of Bhadai Rai
 2. Sujeet Rai @ Sujeet Kumar, Son of Bhadai Rai. Both Resident of Village-Motnaje, Police Station-Mehsi, District-East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. SRI BHANU PRATAP SINGH

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 384, 387, 435 and 427 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Samiul Haque submitted to the Officer-In-Charge, Mehasi Police Station is to the effect that the informant was engaged in the inauguration of brick kiln in the Village Motenaj Barharwa, in the meantime, the accused persons came variously armed and demanded extortion of Rs. Five lakhs and threatened that they will not allow the brick kiln to be inaugurated, without payment of extortion. The accused persons also resorted to firing and set



the Pandal, furniture and bamboos on fire. The accused persons also assaulted the informant.

It is submitted by learned counsel for the petitioners that the accusation is not specific against the petitioners. In fact, the villagers were protesting against opening of brick kiln due to pollution hazard, in retaliation to which the present case has been lodged. The police has not found anything burnt at the place of occurrence. No one has received any injury. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the nature of accusation being omnibus and general and the fact that no one has received any injury, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Motihari, East Champarn, in connection with Mehsi P.S. Case No. 129 of 2013, subject to the condition as laid down under Section 438(2) of the Cr. P.C.



Since the FIR was registered in the year 2013 and the present application has been preferred in the year 2018, learned court below will be at liberty to cancel the bail bonds of the petitioners if they default for two consecutive occasions or in case of non-conclusion of investigation, if they failed to co-operate during investigation.

(Dinesh Kumar Singh, J)

Amrendra/-

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