

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59879 of 2018

Arising Out of PS. Case No.-171 Year-2016 Thana- SHIVSAGAR District- Rohtas

1. Dhupan Singh @ Dhruw Narayan Singh, Son of Bhikhar Singh, Resident of Village- Mirjapur, P.S.- Tilauthu, District- Rohtas.
2. Bindhyachal Choudhary, Son of Late Lali Choudhary, Resident of Village- Alampur, P.S. Baddi, District- Rohtas.
3. Sri Urnav, Son of Late Mahabir Uranv, Resident of Village- Kamal Khairva, P.S. Nauhatta, District- Rohtas.
4. Vijay Rajbhar, Son of Ram Prasad Rajbhar, Resident of Village- Hargam, P.S.- Chainpur, District- Bhabhua (Kaimur).
5. Shiv Murat Rajbhar, Son of Late Gati Roy, Resident of Village- Dharhara, P.S. Chainpur, District- Bhabhua (Kaimur).
6. Bali Rajbhar, Son of Late Shiv Kumar Rajbhar, Resident of Village Khadhaura, P.S. Chainpur, District- Bhabhua (Kaimur).
7. Vijay Mushahar, Son of Bigua Mushahar, Resident of Village Mahua Pokhar, P.S. Baddi, District- Rohtas ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Rajesh Kumar Singh, Adv.

For the Opposite Party : Smt. Veena Kumari Jaiswal, APP 147

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 08-10-2018

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Shivsagar (Baddi) P.S. Case No. 171 of 2016 for the offences alleged under Sections 384, 386 and 506 of the Indian Penal Code and 13, 17 and 20 of the U.A.P.A. Act

The prosecution case, as lodged by the informant, who is a JCB machine operator in construction site of contractor, Rakesh Choubey construction, is that while he was at the site at 11.00 A.M., forty persons came and told him to stop the work at the site and disclosed their names as Rohit Jee and Rakesh Mishra belonging to the TPC Sangathan.

It has been submitted by the learned counsel for the petitioners that they are innocent, not named in the first



information report and have been falsely implicated in the aforesaid case. He submits that their names came to surface on the confessional statement of the co-accused and that no overt act has been committed by any of the petitioners neither alleged in the first information report.

Learned Additional Public Prosecutor for the State opposes the prayer for anticipatory bail stating therein that the petitioners do not have a fair criminal antecedent as they are involved in one more case of similar nature.

Considering the facts and circumstances and materials on record, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Shivsagar (Baddi) P.S. Case No. 171 of 2016 shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Rohtas at Sasaram, subject to the conditions as laid down under Section 438(2) Criminal Procedure.

(Nilu Agrawal, J)

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