

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67946 of 2018

Arising Out of PS. Case No.-25 Year-2018 Thana- KARANDAY District- Sheikhpura

1. Pankaj Mochi, Son of Ram Vilas Mochi,
2. Ashok Mochi, Son of Ram Vilas Mochi,
3. Mukesh Mochi, Son of Ram Vilas Mochi,

All are resident of Village- Chhathiyara, Police Station-
Karandey, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary
For the Opposite Party/s : Mr. Sri Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and the learned APP for the State.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 341, 323,
342, 353 and 504/34 of the Indian Penal Code.

The prosecution case as per the written report of
Nawal Kumar submitted to the Station House Officer
of Karandey Police Station is to the effect that the accused
persons tied the informant with an electric poll and assaulted by
lathi and danda, which has been video recorded. Thereafter, the
wife of the informant and co-villager Anil Yadav came and they



untied the informant.

It is submitted by learned counsel for the petitioners that there is a counter version of the occurrence also, which has been registered by the wife of the petitioner no. 3. Moreover, even assuming the accusations to be true, no case under Section 353 of the IPC is being made out, since the informant is not a Government Servant, while the other sections are bailable. Furthermore, there is no injury report on record. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that the petitioners are named in the FIR.

Considering the fact that the learned Sessions Judge has not deliberated the injury being caused when it is submitted by learned counsel for the petitioners that no injury was caused to anyone and hence, prima facie, the accusation appears not to be corroborated as also no case being made out under Section 353 of the IPC, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Sheikhpura in connection with Karandey P.S. Case No. 25 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

