

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69178 of 2018

Arising Out of PS. Case No.-248 Year-2018 Thana- SIRDALA District- Nawada

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1. Vinay Sao @ Vinay Kumar, Son of Lacho Sao, Resident of Village-Bhelwatand, Post Choubey, P.S. Sirdala, Distt.-Nawada.
 2. Umesh Prasad, Son of Bindeshwar Yadav, Resident of Village-Manjhauli, P.S.,Sirdala, Distt.-Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Satish Kumar Giri, Advocate.
For the Opposite Party : Mr. Asharaf Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-11-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 332, 333, 307, 353 and 427 of the IPC.

The prosecution story, in brief, is that on 17.08.2018 at 11 A.M. in the light of the order of Election Commission oath ceremony of Pramukh and Up-Pramukh was being held in Library Building, Sirdala in presence of Additional Collector (Om Prakash) and Sub Divisional Magistrate, Rajauli (Chandra Shekhar Azad) and thereafter Panchayat Samiti Members were proceeded to their houses. In the meantime, at 17.15 hours when the said Additional Collector, S.D.M. and Executive Officer,



Rajauli were returning to their respective offices and reached near entrance gate of Block Office. Husband of candidate Smt. Archana Gupta namely, Vinay Sao alongwith his supporters became ready to commit violence and all the accused persons and other unknown blocked the entrance gate of Block Office and started hurling abuses and raising slogans against Additional Collector, Nawada, S.D.M. Rajauli and Executive Officer and the officers deputed there tried to convince the aforesaid persons but Vinay Sao and his supporters started brick-batting and made murderous attack and also damaged vehicles of S.D.M. and also tried to snatch government papers.

It has been submitted by learned counsel for the petitioners that the petitioner no. 1 has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The alleged incident is said to have taken place on the date of election of Pramukh and Up-Pramukh. Altogether seven persons are named in the FIR alongwith 50 unknown. General and omnibus allegation has been made against the petitioners. None is said to have been injured in course of occurrence. No offence under Sections 307, 333 and 313 of the IPC is made out.

On behalf of the learned counsel for the State, it has



been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Nawada, in connection with Sirdala P.S. Case No. 248 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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