

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15475 of 2018

Arising Out of PS.Case No. -274 Year- 2014 Thana -MARHAURA District- SARAN

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1. Surendra Prasad Yadav, S/o Late Raj Narayan Rai,
 2. Anil Rai S/o Late Raj Narayan Rai,
 3. Manager Rai S/o Shiv Bachan Rai,
 4. Guddu Rai @ Guddu Kumar S/o Manager Rai, All are R/o Village-
Agahara, P.S.- Marhaurah, District- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 16-04-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending their arrest in a case registered for the offences punishable under Sections 147, 323, 332, 341, 353, 427, 504 and 506 of the Indian Penal Code.

The prosecution case as per the written report of Bhagirath Prasad, Cooperative Extension Officer, Marhowrah dated 19.08.2014 submitted to the Station House Officer, Marhowrah P.S. is to the effect that on 19.08.2014 at 1.00 P.M. the informant was sitting in the premises of Sub-divisional Election Officer, in the meantime, 10-15 accused persons



including the petitioners came and pressurized the informant to get their names included in the voter list of PACS. The informant declined the request, upon which the accused persons abused the informant and petitioner no. 1 Surendra Prasad Yadav assaulted with fists and slaps, while others also abused and assaulted the informant. The Block Development Officer, Marhowrah was informed and in the meantime, police also reached at the place of occurrence, then the accused persons escaped from the scene. It is alleged that co-accused Santosh Kumar Yadav tore the official papers after snatching it from the informant.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. There is specific accusation of assault against petitioner no. 1 with fists and slaps, but the FIR does not suggest that any injury was caused to the informant. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation against the petitioners is of obstructing the informant in discharge of official duty.

Considering the fact that accusation against



petitioner nos. 2 to 4 is not specific, however, the accusation against petitioner no. 1 of making assault is specific but it does not appear from the FIR that any injury was caused to the informant coupled with statement being 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 their 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 A.C.J.M. XIII, Saran at Chapra in connection with Marhowrah P.S. Case No. 274 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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