

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12490 of 2018

Arising Out of PS. Case No.-283 Year-2017 Thana- DIGHA District- Patna

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1. Bhagirath Prasad, S/o Late Rajendra Rai
 2. Manoj Kuamr, S/o Late Rajendra Rai
- Both are resident of village- Nakta Diara, P.S. Digha, District- Patna at
present resident of village Mica Colony, Yadubanshi Nagar, P.S. Digha,
District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad (APP)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 28-02-2018 Heard learned counsel for the petitioners and
learned counsel representing the State.

The petitioners apprehend their arrest in
connection with Digha P.S. Case No. 283 of 2017 , registered
for the offences punishable under Sections 144, 145, 146, 147,
148, 149, 114, 115, 323, 342, 307, 353, 395, 397, 186, 332, 333,
336, 337, 338, 427, 504 of the Indian Penal Code and Section 27
of the Arms Act.

Allegedly on 05.09.2017 the informant along with
other police personnel went for measurement of land of Bihar
State Housing Board, situated at Digha. In course of
measurement, a rumor spread that the police party had visited to



remove the encroachment. It is said that a large numbers of people assembled and raised protest against police and forbade them from performing their duties. They also attacked on police station and damaged articles.

Submission is of false implication and that there are altogether 134 named and 800-900 persons unknown in the F.I.R. The allegation against the petitioners are general and omnibus in nature. There is no chance of tampering with the prosecution evidence, they have got no concern with the occurrence. It is not possible that the informant or any of the police personnel will identify altogether 134 persons, neither the informant nor any police personnel sustained injury, several other co-accused similarly situated have been allowed pre-arrest bail vide Annexure-3 series and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. fairly submits that several other similarly situated co-accused have been allowed pre-arrest bail.

In the facts and circumstances as stated above, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to



the satisfaction of learned S.D.J.M., Patna, in connection with
Digha P.S. Case No. 283 of 2017, subject to the conditions as
laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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