

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1263 of 2018

Arising Out of PS.Case No. -25 Year- 2017 Thana -HATHAURI District- SAMASTIPUR

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1. Ram Chandra Singh, son of Prabhu Lal Singh, resident of village- Ram Bahadurpur, P.S.- Hathauri, District- Samastipur (Bihar).
 2. Santosh Singh @ Santosh Kamal, son of Ram Udgar Singh.
 3. Gunjan Kumar son of Pandav Singh.
 4. Anita Kumari wife of Late Basant Mandal,
- Serial No. 2 to 4 are resident of Village- Pura, P.S.- Hathauri, District- Samastipur (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 19-01-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Hathauri (Shivaji Nagar O.P.) P.S. Case No.25 of 2017 registered under Sections 448, 341, 323, 353 and 504/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that the learned Sessions Judge, Samastipur erred in law in holding the application filed under Section 438 of the Code of Criminal Procedure on behalf of the petitioner to be not maintainable in view of the ratio laid down by this Court in **Gauri Shankar Rai**



vs. The State of Bihar [(2015)3 PLJR 618. He submitted that the offences alleged except Section 353 of the Indian Penal Code are bailable in nature. He submitted that in view of the allegations made in the FIR the ingredients of the offence punishable under Section 353 of the Indian Penal Code would not be attracted.

Regard being had to the ratio laid down by this Court in the case of **Gauri Shankar Roy** (supra) in the event of arrest or surrender before the court below within six weeks from today, the petitioners are directed to 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 Additional Chief Judicial Magistrate-II, Rosera, Samastipur in connection with Hathauri (Shivaji Nagar O.P.) P.S. Case No. 25 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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