

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70125 of 2018

Arising Out of PS. Case No.-91 Year-2015 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

1. Naresh Yadav, Son of Late Bhaju Yadav
2. Daso Yadav, Son of Rajo Yadav
3. Munna Chaudhary, Son of Late Chhote Chaudhary
All Resident of Village – Panchi, Police Station – Shekhopur Sarai, District
– Sheikhpura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Sri Panchanand Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-12-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 448, 342, 484 and 486 of the Indian Penal Code.

The prosecution case got initiated with the filing of Complaint Case No. 370C of 2015 which ultimately got registered as police case on being transferred under Section 156(3) Cr.P.C. being Shekhopur Sarai P.S. Case No. 91 of 2015. It is alleged that the accused persons were constructing the road on the land of the informant and on protest being made by the informant, he was assaulted by all the FIR named accused persons.



It is submitted by learned counsel for the petitioners that petitioner no. 1 is a Rojgar Sewak and was constructing said road on the orders of the superior officer. The present case has been lodged with ulterior motive and on conclusion of the investigation, police submitted charge sheet only under Section 504 of the Indian Penal Code, but differing with the same, the cognizance has been taken. 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 petitioners are named in the FIR with specific accusation.

Considering the nature of accusation and the fact that on conclusion of the investigation, the case was not found true as per the accusation levelled in the complaint petition, 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 1st Additional Chief Judicial Magistrate, Sheikhpura in connection with Shekhapur



Sarai P.S. Case No. 91 of 2015, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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