

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.215 of 2018

Arising Out of PS.Case No. -171 Year- 2012 Thana -KHAJAUJI District- MADHUBANI

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1. Kundan Kunwar, S/o Gopal Kunwar,
2. Nitin Singh @ Nitin Kumar Singh @ Ghanti Singh, S/o Navin Singh,
Both R/o Village- Tarapatti, P.S.- Khajauli, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 16-01-2018

Heard both sides.

The petitioners apprehend their arrest in Khajauli P.S. case No. 171 of 2012 under Section 323, 307 and other Sections of the Indian Penal Code and under Section 34 of Prevention of Damage to Public Property Act.

The learned counsel for the petitioners submits that petitioners are not named in the FIR. The Circle Officer, Khajauli lodged the case against thousands of unknown children. It is submitted that Khajauli P.S. case No. 169 of 2012 and 172 of 2012 were also registered for the same occurrence. Petitioner No.1, Kundan Kunwar has already been granted anticipatory bail in both the cases vide orders passed in Cr. Misc. Nos. 44619 of 2013 and 5208 of 2015. Petitioner No.2 was granted anticipatory bail by the learned Sessions Judge. Merely on the ground that petitioners are accused in other two cases the I.O. filed requisition for issuance of non bailable warrant against the petitioners in the present case



although there is no tangible material to show the involvement of the petitioners. The informant alleged that more than 1000 children came and resorted to pelting stones and setting ablaze public property.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Madhubani in connection with Khajauli P.S. case No. 171 of 2012 (G.R. No. 3120 of 2012), subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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