

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8844 of 2018

Arising Out of PS.Case No. -87 Year- 2017 Thana -ADHAURA District- BHABHUA (KAIMUR)

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1. Juman Miyan S/o Ishalam Miyan
2. Manoj Kumar S/o late Ram Gati Paswan
3. Radhey Shyam Paswan S/o Birendra Paswan
4. Bullu Singh S/o Ram Brikh Singh
5. Nagendra Singh S/o Ram Sakal Singh

All Resident of Village- Sikari, P.S. Adhaura, District- Kaimur(Bhabhua).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Prasad Singh

For the Opposite Party/s : Smt. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 20-02-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Adhaura P.S. Case No.87 of 2017 registered under Sections 341, 323, 353 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that it is case of false implication because in the night hours when there was no mode of identification of place of occurrence it is highly suspicious that informant could identify the accused persons by their name. The allegation against the accused persons (petitioners) is of pelting stones at the residence of informant.



However, there is specific allegation of assault against accused no.1, Juman Miyan. So far as other petitioners are concerned, there is no allegation of any assault. Learned counsel further points out that the learned Sessions Judge, Kaimur at Bhabua while disposing of the anticipatory bail application of the petitioners has taken note of the fact that the informant sustained very simple injury on account of alleged act of these petitioners. It has also come that in view of the nature of allegation, the learned Sessions Judge had directed the petitioners to surrender before the court below and seek regular bail.

Learned APP for the State is present and submits that so far as Juman Miyan (petitioner no.1) is concerned, there is an allegation of assault against him.

Considering the fact and circumstances particularly that there is no allegation of assault against the petitioner nos.2 to 5 and they have no criminal antecedent, I am inclined to grant anticipatory bail to them. In the event of their arrest/surrender before the court below within four weeks, let the above named petitioner nos. 2 to 5 be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua, District-Kaimur, in connection



with Adhoura P.S. Case No.87 of 2017, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

However, the anticipatory bail application of Juman Miyan (petitioner no.1) stand rejected.

If he surrenders in the court below within a period of four weeks from today and prays for regular bail, the same shall be considered by the court below without being prejudiced by the order of this Court rejecting his application and then by taking note of the observation of the learned Sessions Judge that the injury caused to the informant is said to be simple in nature.

The application is partly allowed.

(Rajeev Ranjan Prasad, J)

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