

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23903 of 2018

Arising Out of PS. Case No.-62 Year-2018 Thana- RAMGARH District- Bhabhua (Kaimur)

1. Ashok Singh, S/o- Late Ramjee Singh,
2. Manjit Singh S/o- Ashok Singh,
3. Chhotu Mali @ Chhote Lal Mali S/o- Late Kanhaiya Mali, All are R/o- Vill.- Baraura, P.S.- Ramgarh, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-04-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 353, 307, 427, 504 and 506 of the IPC.

The prosecution case, as per the written report of Bir Bahadur Singh, being the A.S.I. of police submitted to the Station House Officer, Ramgarh Police Station is to the effect that on 01.03.2018 at 8 PM, while the informant along other police personnel during the vehicle checking at Check Post, signalled certain persons coming from Uttar Pradesh on motorcycle but since they were in drunken condition, they started abusing the police personnel and escaped from the scene. Thereafter, the accused persons came along with 20-25 persons



at the police Camp and started abusing and assaulting the police personnel. It is alleged that petitioner no.1, Ashok Singh tried to throatal one constable and when the other constable tried to save him, then petitioner no.3, Chhotu Mali tried to snatched his rifle. It is alleged against petitioner no.2 and others that they broke the chair of the police camp.

It is submitted by learned counsel for the petitioners that maliciously the case has been lodged. There is nothing on record to suggest that police personnel received any injury. Moreover, the Investigation Officer has not found any evidence of broken chair. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is further submitted that for the occurrence of 01.03.2018 at 8 PM the FIR was lodged on the same day at 9 PM, but it reached to the Court of learned ACJM on 05.03.2018, which suggests that by antedating the FIR has been registered.

Learned APP submits that the accusation is specific against the petitioners.

Considering the delayed transmission of the FIR, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having criminal antecedent,



let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned A.C.J.M.-I, Bhabua in connection with Ramgarh P.S. Case No. 62 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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