

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22250 of 2018

Arising Out of PS.Case No. -19 Year- 2017 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Rahul Kumar @ Rahul Singh, son of Chhotan Singh.
 2. Vishnu Shankar Singh @ Bishnu Shankar Singh, son of Bachcha Singh.
 3. Nikhil Kumar, son of Anil Kumar Singh.
 4. Biltu Kumar @ Bittu Kumar, son of Sushil Singh.

All are resident of village- Bhakurahiya, Police Station- Patahi,
District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

For the State : Mr. Chandrasen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioners. No body appears on behalf of the State.

The petitioners seek pre-arrest bail in connection with Patahi P.S. Case No.19 of 2017 registered under Section 427 of the Indian Penal Code and Sections 3 and 4 of the Prevention of Damage to Public Property Act (for short 'the Act, 1984').

It is submitted by the learned counsel for the petitioners that Section 427 of the Indian Penal Code is bailable in nature. The ingredients of the offence punishable under Section 4 of the Act, 1984 are not attracted as there is no allegation of causing damage to public property by fire or explosive substance. So far as



offence punishable under Section 3 of the Act, 1984 is concerned, the petitioners cannot be held responsible for mischief caused by some unknown criminals. It is further stated that the petitioners are neither named in the first information report nor there is any cogent evidence against them to have participated in the commission of the offence but for the reasons best known, the police are chasing them.

Considering the nature of allegation and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, East Champaran at Motihari in connection with Patahi P.S. Case No.19 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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