

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35773 of 2018

Arising Out of PS.Case No. -138 Year- 2018 Thana -TEKARI District- GAYA

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1. Rajesh Mistry, son of Birju Mistry
2. Birju Mistry Son of Late Munshi Mistry
Both are resident of village- Ama Kuan, P.S.- Tekari, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Smt. Gulnar Begam, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 02-07-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Tekari P.S. Case No.138 of 2018 registered under Sections 341, 323, 448, 504, 506, 354 and 379 read with 34 of the Indian Penal Code (for short 'I.P.C').

It is submitted by the learned counsel for the petitioners that save and except Sections 379 and 354 of the I.P.C. all the sections of the I.P.C. under which FIR has been registered are bailable in nature. So far as Section 354 of the I.P.C. is concerned from a reading of the FIR it would transpire that there is no allegation of outraging the modesty of the informant. The



allegation of theft made in the FIR is also ornamental in nature. It is contended that the petitioners are men of clean antecedent and on trivial matters the informant, who happens to be their agnates, has implicated the petitioners in false and frivolous case.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioners.

Considering the nature of allegations 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gaya in connection with Tekari P.S. Case No.138 of 2018, 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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