

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40516 of 2018

Arising Out of PS.Case No. -438 Year- 2017 Thana -SIWAN MUFFASIL District- SIWAN

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1. Priansu Kumar @ Prabhanshu Kumar @ Prabhanshu Srivastava.
 2. Subhanshu Kumar @ Sudanshu Kumar.
- Both are sons of Parash Nath Prasad @ Paras Lal Srivastava.
3. Ritik Kumar Sinha, son of Amod Bihari Sinha.
 4. Devendra Yadav @ Devendra Kumar Yadav, son of Sri Ramdhyan Yadav.
 5. Sunil Tiwari, son of Sri Nath Tiwari.
 6. Rahul Gupta, son of Ram Parichan Sah.
 7. Devendra Kumar Prasad @ Devendra Kumar, son of Brahma Prasad.
 8. Amdaz Ali @ Amzad Ali, son of Bahram Miya.
 9. Vivek Kumar Kharwar @ Vivek Kumar, son of Achchelal Kharwar.
 10. Shyam Kishore Sah, D/o Dhrup Sah.
 11. Govinda Kuamr @ Govind Kumar, son of Prem Chand Kharwar.
 12. Rameshwar Prasad Gupta @ Rameshwar Gupta, son of Baharan Sah.
 13. Ashok Kumar Prasad @ Ashok Kumar Prasad, son of Swaminath Prasad.
 14. Ishtkhar Ali @ Ishtekhar Mian, son of Adalat Miya.
 15. Vikash Kumar Tiwary @ Vikash Tiwari, son of Sudish Tiwari.
 16. Nikhil Kumar Tiwari @ Nikhil Kumar, son of Harendra Tiwari.
 17. Rakesh Kumar Ram, son of Badari Ram.
 18. Santosh Kumar Yadav, son of Late Muneshwar Yadav.
 19. Guddu Kumar, son of Amerika Prasad.
 20. Sujeet Kumar, son of Amar Nath Prasad.
 21. Vishal Kumar @ Vishal Sah, son of Lalan Sah.
 22. Babuddin Ahmad, son of Jan Mohammad.
 23. Om Prakash Kumar, son of Achchelal Bhagat.
 24. Uttam Kumar, son of Ram Nath Prasad.
 25. Sanjeet Baitha @ Sanjeet Kumar Baitha, son of Raghunath Baitha,
- All resident of Village- Barhan Gopal, P.S. Muffasil (Siwan), District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the Opposite Party/s: Mr. Anant Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 16-07-2018

Heard learned counsel for the petitioners and the



State.

The petitioners apprehend their arrest in **Siwan Muffasil P.S. Case No. 438 of 2017** instituted for the offence under Sections 147, 148, 149, 323, 332, 333, 353, 188, 294, 290, 291 of the Indian Penal Code, Section 9 of Bihar Control of Loud Speaker Act and Sections 2/4/4/10 of POCSO Act.

The allegation against the petitioners is that they had gathered on occasion of *Mahaviri Jhanda* without taking permission of the administration and organized orchestra, in which, it is alleged that obscene dance of minor girls were being shown and when the police went there, they misbehaved with the police party.

Learned counsel for the petitioners has submitted that there is general and omnibus allegation against the petitioners. The other co-accused persons with similar allegation have already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 11.07.2018 passed in Cr. Misc. 38851 of 2018.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with in **Siwan Muffasil P.S. Case No. 438 of 2017**, they shall be released on anticipatory 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 Sessions Judge-I-cum-Special Court, Siwan**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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