

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44384 of 2018

Arising Out of PS.C.ase No. -8 Year- 2017 Thana -UPHARA District- AURANGABAD

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1. Dinesh Paswan @ Bindeshwar Paswan, S/o Sadhunandan Paswan,
2. Manoj Kumar Paswan @ Manoj Kumar S/o Kariman Paswan,
3. Ram Chandra Paswan S/o Jainandan Paswan, All R/o Vill.- Bela, P.S.-
Uphara, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-07-2018 Learned counsel for the petitioners submits that

Petitioner no. 1, Dinesh Paswan has already been arrested and

therefore, his anticipatory bail petition has become infructuous.

Accordingly, the anticipatory bail petition of petitioner

no. 1 is dismissed as has become infructuous.

Petitioner Nos. 2 and 3 apprehend their arrest in

Uphara P.S. Case No. 08/2017, instituted for the offences

punishable under Sections 147, 149, 288, 353, 427 of the Indian

Penal Code and Section 3 of Prevention of Damage of Public

Property Act, 1984.

Learned counsel for the petitioners has submitted that

there is general and omnibus allegation against the petitioners. In



the written report, it is alleged that the idol of Bhim Rao Ambedkar was to be installed on the road near Bela. When the informant, who is Circle Officer, Goh went there, the miscreants raised slogan against the police and administration and damaged the road. The petitioners are named in the F.I.R. as a member of unlawful assembly.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner no. 2 and 3 is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Uphara P.S. Case No. 08/2017, 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 the learned Chief Judicial Magistrate, Aurangabad, subject to the conditions as laid down under Section 438(2) of the 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners 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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