

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67185 of 2018

Arising Out of PS. Case No.-524 Year-2018 Thana- Mohaniya District- Bhabhua (Kaimur)

1. Rakesh Tiwary, son of Surendra Tiwary,
 2. Mukesh Kumar Tiwary @ Mukesh Tiwary, son of Surendra Tiwary,
 3. Surendra Tiwary, son of Ram Krit Tiwary,
 4. Shri Niwas Tiwary, son of Late Ramjee Tiwary,
 5. Ajay Tiwary @ Ajay Kumar Tiwary, son of Ram Krit Tiwary,
- All are resident of village- Awari, Police Station-
Mohania, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak, Advocate
For the Opposite Party/s : Smt. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection
with Mohania P.S. Case No. 524 of 2018 registered under
Sections 341, 353 and 506/34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioners that save and except Section 353 of the Indian Penal
Code, all other Sections areailable in nature. As far as Section
353 of the Indian Penal Code is concerned, there is no allegation
that the petitioners assaulted the informant or any other public
servant. The only allegation against them is that they were



protesting against the action of the police force when they had gone to remove the encroachment made by the petitioners. He contended that the ingredients of Section 353 of the Indian Penal Code are clearly wanting in the present case.

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

Considering the allegations made in the first information report and the submissions made above, in the event of arrest or surrender before 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 Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 524 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./-Sanjeev

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