

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73122 of 2018

Arising Out of PS. Case No.-338 Year-2012 Thana- MADHUBANI TOWN District-
Madhubani

-
1. Chandeshwar Jha Son of late Harish Chandra Jha
 2. Rajiv Kumar Jha@ Rajeev Jha Son of Sri Chandeshwar Jha Both Resident of Village Arer Dih Tola, P.S. Arer, District Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. A.K.Thakur

For the Opposite Party/s : Mr.Sri Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-12-2018 Heard learned counsel for the parties.

The application for anticipatory bail arises out of Madhubani P.S. Case No. 338 of 2012, disclosing offences under Sections 188, 147, 148, 149, 323, 324, 448, 337, 338, 435, 436, 332, 333, 353, 120-B, 427, 307, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3/4 of the Explosives Substance Act.

The petitioners are the father and the grandfather of one Prashant, who is said to have been murdered. There were several protests by the local people of the area against the alleged incident. It is alleged that, in that course, on instigation of some of the named accused, a mob tried to kill the police



personnel and burnt the police station and several other articles and damaged huge public property.

Learned counsel, appearing on behalf of the petitioners, has submitted that they were not named in the FIR and they have been implicated only on the basis that they are father and grandfather of the deceased Prashant, in respect of whose killing the protests were made. It is also contended that the petitioners have been implicated in other cases also, in respect of an incident connected with the main incident.

Considering the above submissions, this application is allowed. Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the court below, 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 the learned Chief Judicial Magistrate, Madhubani in Madhubani Town P.S. Case No. 338 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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