

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73143 of 2018

Arising Out of PS. Case No.-185 Year-2018 Thana- PALASI District- Araria

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1. Md. Awesh Son of Badruddin
 2. Md. Bouku@ Anwarul Haque Son of late Nasso
 3. Md. Jashim son of late Tumman
 4. Md. Firoz Son of Badruddin All resident of Village Ghat tola, Diyari Bakrakani Ward No. 14, P.S. Araria (Madanpur), District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-12-2018 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Palasi P.S. Case No. 185 of 2018 G.R. No. 2142 of 2018, disclosing offences under Sections 353, 341, 323, 427, 383, 288, 504 and 506 of the Indian Penal Code.

The informant, from the first information report, it appears was engaged in constructing work of JIO Bridge. At the place of occurrence, the accused persons came and started abusing and assaulting him. It is alleged against petitioner no. 2 Md. Bouku, that he opened fire but the informant escaped the shot.

Learned counsel, appearing on behalf of the



petitioner, has submitted that no offence under Section 353 of the IPC can be said to be made out since the informant is admittedly not a public servant. No firearm injury has been caused as is evident from the first information report.

Considering the above submission, 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 bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned A.C.J.M., VI, Araria in Palasi P.S. Case No. 185 of 2018 G.R. No. 2142 of 2018, 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 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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