

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18621 of 2018

Arising Out of PS.Case No. -220 Year- 2017 Thana -MANIGACHI District- DARBHANGA

- =====
1. Abhay Prakas Bharti @ Bholu, Son of Ganga Paswan
 2. Krishan Mohan Gupta @ Krishan Mohan Kumar Gupta @ Hareram Sahu, Son of Dhruv Narayan Sahu
- Both residence of Village Paitan Kabai, P.S. Manigachhi, Distt.- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Narayan Mahto, Advocate.

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 18-05-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Manigachhi (Nehara O.P.) P.S. Case No. 220 of 2017** instituted for the offence under Sections 109, 114, 188 and 353/34 of the Indian Penal Code and Section 9 of Bihar Control of the use and play to loudspeaker Act, 1955.

Learned counsel for the petitioners has submitted that there is general and omnibus allegation against the petitioners in the written report.

The prosecution story is that scuffle took place between two communities on the occasion of *Chhath* for



organizing Ashtjam in Mahabir Mandir. It is alleged that petitioners were playing provocative song on loudspeaker which was opposed by members of other community, on account of which, serious law and order situation was created in the village.

As such, mere general and omnibus allegation has been levelled against the petitioners.

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 **Manigachhi (Nehara O.P.) P.S. Case No. 220 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 Chief Judicial Magistrate-VI, Darbhanga**, 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.

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(Sanjay Priya, J)

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