

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4995 of 2018

Arising Out of PS.Case No. -816 Year- 2016 Thana -SA SARAM MUFFSIL District- SASARAM
(ROHTAS)

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1. Santosh Chaudhary, son of Shivrath Choudhary.
2. Guddu Choudhary, son of Suresh Choudhary. Both resident of Village-
Karwandiya, Police Station Sasaram, District Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioners	:	Mr. K. N. Choubey, Sr. Advocate Mr. Ashok Kumar Garg, Advocate Mr. Yogendra Kumar Dwivedi, Adv.
For the Opposite Party/s	:	Mr. Mithilesh Kumar Khare, APP.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER**

4 27-02-2018 Heard learned counsel for the petitioners and counsel
appearing on behalf of the State.

The petitioners are apprehending arrest in connection with
Sasaram (Muffasil) P.S. Case No. 816 of 2016 instituted for offence
under Sections-384, 387, 414, 129(B) of the Indian Penal Code and
Sections-25(1-b)(a), 26/35 of the Arms Act and Sections-3/4 of
Explosive Substance Act.

Learned Senior counsel for the petitioners submits that in
the present case, the informant, police officer has named several
persons as accused for the offence. Referring to para-3 of the Fardbyan,
he submits that as per the Fardbyan, there is allegation against these



petitioners that they were involved in collecting levy from the persons who were involved in illegal mining of stone chips.

In this case, case diary was called for vide order dated 09-02-2018.

Learned counsel appearing on behalf of the State on perusal of the case diary admits that nothing was recovered from possession of the petitioners. Learned Senior counsel Mr. Choubey submitted that petitioners have clean antecedent and in view of the fact that nothing was recovered from possession of the petitioners, they deserve anticipatory bail.

Considering the fact that petitioners have no criminal antecedent and also the fact that nothing was recovered either from possession of the petitioners or from their house, let the petitioners above named in the event of arrest or surrender in the court below within a month from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with to the satisfaction of learned Chief Judicial Magistrate, Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 816 of 2016 subject to conditions that (i) bailors should be family members of the petitioners (ii) they will extend full co-operation in the case (iii) they will not, in any manner influence the witness (iv) in the event of complaint of pressurizing and terrorizing the informant, the I.O. shall be at liberty to approach the court below for cancellation of bail bonds and if such complaint is received by the court below, it is



expected that the court below will cancel the bail, in addition thereto the other conditions as laid down u/S 438(2) of the Cr.P.C. is applicable in this case also.

(Anil Kumar Upadhyay, J)

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