

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37575 of 2018

Arising Out of PS.Case No. -15 Year- 2018 Thana -BEERPUR District- BEGUSARAI

- =====
1. Phul Khan son of Late Md. Iliyas Khan @ Iliyas Khan
 2. Gurudev Pandit, son of Muneshwar Pandit, Both residents of Village- Muzaffara, Ward No. 12, Bhavanandpur, P.S. Birpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 16-07-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Birpur P.S. Case No. 15 of 2018 instituted for the offence under Sections-147, 148, 149, 341, 323, 504, 353, 307, 427 of the Indian Penal Code.

Counsel for the petitioners has submitted that though petitioners are named in the FIR they are alleged to be members of an unlawful assembly. There is general and omnibus allegation in the written report that about 100 to 150 villagers of village Muzaffara blocked the Birpur-Sanjat Road in protest of arrest of one Pritam Jaiswal and got closed the Muzaffara market and the Uco Bank. The informant with other police party tried to convince them to remove the blockade but they started raising anti-administration slogans and creating nuisance. The supplementary affidavit annexing injury report has been filed, which shows that simple injuries were sustained by



police personnel. There is no specific allegation of overt act against the petitioners.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with in Birpur P.S. Case No. 15 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Begusarai subject to condition as laid down u/S 438(2) of the 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 absence on two consecutive dates without proper and reasonable reason will be liable to cancel his 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.

(Sanjay Priya, J)

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