

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.350 of 2018

Arising Out of PS.Case No. -136 Year- 2017 Thana -NARHAT District- NAWADA

- =====
1. Rahul Kumar
 2. Rajesh Kumar
 3. Ravi Kumar

All sons of Dilip Singh, Resident of Village - Kusha, P.S. - Narhat, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Narhat P.S. Case No. 136 of 2017** instituted for the offence under Sections 341, 323, 307, 353, 188, 337, 338, 504, 506/34 and 379 of the Indian Penal Code.

It is alleged in the written report filed by the ASI Narhat Police Station that he along with other constables namely Gopesh Kumar and Dipu Kumar, was in night patrolling duty. In the meantime, petitioner Nos. 1 and 2 caused obstruction on the road and when the informant and other constables tried to remove the obstruction, the petitioners abused the police party. It is further



alleged that petitioner No. 2 (Rajesh Kumar) snatched rifle from constable Dipu Kumar and also assaulted the police party. Later on, rifle was returned to the police party by Rahul Kumar (petitioner No. 1).

Learned counsel for the petitioners has submitted that there is no injury to anybody as would appear from *Fard-e-beyan*. It has further been submitted that some altercation took place for payment of price of chicken between police party and the petitioners. Therefore, the petitioners have been falsely implicated in this case.

It is mentioned in paragraph-3 of the bail petition that petitioners have no criminal antecedent.

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 **Narhat P.S. Case No. 136 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, V, Nawada**, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners 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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