

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19866 of 2018

Arising Out of PS.Case No. -283 Year- 2017 Thana -DIGHA District- PATNA

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1. Nilesh Rai @ Nilesh Prasad, Son of Late Laxmi Rai, Resident of Mohalla-Kurji Gate No.65, P.S.-Digha, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra, Advocate

For the Opposite Party/s : Md. Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-05-2018 Heard the parties.

The petitioners seek anticipatory bail in connection with Digha P.S.Case No. 283 of 2017, registered for offences punishable under Sections 144, 145, 146, 147, 148, 149, 114, 115, 323, 307, 332, 333, 336, 337, 338, 427, 353, 447, 448 of the Indian Penal Code and 27 of the Arms Act.

Allegation against the petitioner is that in course of measurement of land, a rumor spread that the police party had visited to remove the encroachment, a large number of people assembled and raised protest against police and pelting stones on the police party, causing injuries.

Submission of the learned counsel for the petitioner is that for the same occurrence, two F.I.R. has been registered by the



Circle Officer and another by the Police Inspector against the same petitioner but the petitioner has been falsely implicated in this case. It is also submitted that there is no any specific allegation has been attributed against the petitioner and similarly situated co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 09.11.2017 passed in Cr. Misc. No. 53277 of 2017 and vide order dated 19.02.2018 passed in Cr. Misc. No. 8183 of 2018.

Learned A.P.P. opposes the prayer for bail.

Having heard both sides and in view of the facts and circumstances as discussed above, let the petitioner No. 2, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Patna in connection with Digha P.S.Case No. 283 of 2017, subject to the condition that as laid down under Section 438 (2) of the Code of Criminal procedure.

With following conditions:-

- i) One of the bailors of the petitioner shall be a local person having sufficient immovable



property within the jurisdiction of the concerned court.

- ii) The petitioner will not induce any witness or tamper with the evidence.
- iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of her bail bond.

(Vinod Kumar Sinha, J)

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