**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Criminal Miscellaneous No.21646 of 2018**

Arising Out of PS. Case No.-2 Year-2018 Thana- KIHIRI MORE District- Patna

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1. Shashi Bhushan Upadhyay, S/o Krishnadev Upadhyay,
2. Sonu Kumar Upadhyay S/o Mahender Upadhyay @ Mahendra Upadhyay, Both are R/o Madaripur, P.S.- Khirimore, District- Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

ORAL ORDER

3 10-05-2018 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in Khirimore P. S. case No.02 of 2018 instituted for the offence under Section(s) 147,148, 149,342,323, 353, 338,327,307,504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that there is general and omnibus allegation in the written report. In the written report, it is alleged that the informant along with the other members of police party reached to the place of occurrence to stop the construction work which was being done by the petitioners and others. Thereafter, the accused persons started assaulting the police with bricks and stones.

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Learned counsel for the petitioner further submits that there is no injury sustained by any body.

Case diary has been received in this case.

Learned APP, after perusing the case diary, submits that there is no injury report of any person in the case diary.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Khirimore P.S. Case No.02 of 2018**, 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 the learned **ACJM-III, Danapur, Patna**, 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

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cancellation of bail of the petitioners.

**(Sanjay Priya, J)**

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