

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16163 of 2019**

Arising Out of PS. Case No.-322 Year-2018 Thana- HUSSAINGANJ District- Siwan

1. Arvind Sah @ Arvind Kumar, Son of Pancha Sah
2. Om Prakash Sah, Son of Bachcha Sah
Both Resident of Village - Chap, P.S.- Sarai O. P., District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad
For the Opposite Party/s : Mr. Narendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 15-03-2019 Heard learned Counsels for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 413, 414 and 420/34 of the Indian Penal Code and Sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

The prosecution case as per the fardbeyan of Chowkidar Harendra Choudhary recorded by ASI, Satyendra Kumar Singh dated 15.10.2018 at about 11.10 A.M., is to the effect that on 14.10.2018, there was an orchestra programme organized near roadside of Ganga Baba. In the meantime, six accused persons including the petitioners on three motorcycle came and ordered to play the song of their choice. On protest being made, the



accused persons resorted to fire in the air. Thereafter, when the villagers tried to catch them, they escaped from the scene resorting fire in air, leaving behind the motorcycles. It is further alleged that two motorcycles were seized from the place of occurrence and from one motorcycle, one country made pistol, one magazine and two live cartridges were recovered.

It is submitted by learned counsel for the petitioners the accusation is omnibus and general in nature against the petitioners and there is no injury report on record. It is further submitted that the petitioners have no concern with the alleged vehicle in question, however statement to that effect has not been made in the petition. A statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are named in the FIR and the accused persons came on the alleged motorcycle during orchestra programme.

Considering the accusation being omnibus and general against all six accused persons including the petitioners and for the occurrence of 14.10.2018 at night, FIR was registered on 15.10.2018 at 12.10 P.M., coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal



antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 **CJM, Siwan** in connection with **Hussainganj P.S. Case No.322 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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