

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17798 of 2019

Arising Out of PS. Case No.-258 Year-2018 Thana- MOHANIYA District- Kaimur (Bhabua)

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1. Prince Jaiswal, Son of Surendra Kumar Jaiswal Resident of Village - Bahera Pipari, P.S.- Kaptanganj, District- Azamgarh (U.P.)
 2. Manoj Vishwakarma Son of Harilal Bishwakarma Resident of Village - Imali Mahua, P.S.- Pawai, District- Azamgarh (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-03-2019 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Mohania P.S. Case No. 258 of 2018 dated 10.05.2018 instituted for the offence under Section 379 of the Indian Penal Code.

One of the accused persons viz. the driver of an overloaded truck was made to flee away from the captivity of the police.

The petitioners are not named in the FIR and their names have transpired only during the course of investigation.

Learned counsel for the petitioners submits that from the nature of accusation levelled in the FIR, no



offence under Section 379 of the IPC can at all be said to be made out.

Considering the aforestated facts, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 258 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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