

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47224 of 2019

Arising Out of PS. Case No.-93 Year-2019 Thana- BARHARIA District- Siwan

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1. LADDAN MIYAN Son of Late Sahabuddin Miyan Resident of Village - Kalu Chapra, P.S. - Barharia, District - Siwan.
 2. Serajul @ Serajul Haque Miyan Son of Dhada Miyan Resident of Village - Kalu Chapra, P.S. - Barharia, District - Siwan.
 3. Firoj @ Firoj Ahmad Son of Md. Sahab Miyan Resident of Village - Kalu Chapra, P.S. - Barharia, District - Siwan.
 4. Ali Hussain Son of Late Nizam Miyan Resident of Village - Kalu Chapra, P.S. - Barharia, District - Siwan.
 5. Samser Miyan Son of Late Nizam Miyan Resident of Village - Kalu Chapra, P.S. - Barharia, District - Siwan.
 6. Nazib Ahmad @ Bihari Son of Manful Miyan Resident of Village - Kalu Chapra, P.S. - Barharia, District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava
For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 30-07-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Barharia P.S. Case No. 93 of 2019, disclosing offences under Sections 147, 148, 149, 341, 323, 332, 337, 307, 353 and 504 of the Indian Penal Code.

There are 11 persons named in the FIR and allegedly they with 50-60 persons, abused and assaulted the policemen present at the place of occurrence in discharge of their official duties. The miscreants, allegedly, indulged in stone-pelting,



because of which the police party had to flee away from the place of occurrence so as to save their own lives.

Learned counsel for the petitioner has submitted that similarly circumstanced co-accused person has been allowed anticipatory bail by this Court by order dated 24.07.2019, passed in Cr. Misc. No.45640 of 2019.

Considering the above, this application is allowed. Let the petitioners, above named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Siwan in in connection with Barhariya P.S.Case No. 93 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Keeping in view the nature of allegation in the FIR and the fact that the occurrences of this nature have become



very common in the State of Bihar, let the District Magistrate, Siwan take a decision as to whether this is a fit case for invocation of the relevant provisions of Bihar Collective Fines (Imposition) Act, 1982.

Let a copy of this order be transmitted to the District Magistrate, Siwan, forthwith.

(Chakradhari Sharan Singh, J)

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