

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47044 of 2019

Arising Out of PS. Case No.-137 Year-2014 Thana- MADANPUR District- Aurangabad

1. CHANDAN KUMAR Son of Brijlal Sharma Resident of Village- Madanpur, P.S- Madanpur, District- Aurangabad.
2. Basant Paswan @ Basant Kumar Paswan Son of Chandri Paswan Residence of Village-Jurahi, P.S-Madanpur, District-Aurangabad.
3. Mahesh Paswan Son of Jamindari Paswan Residence of village-Koiribigha, P.S.-Madanpur, District-Aurangabad.
4. Devnath @ Devnath Kumar Son of Tapeswar Paswan Residence of Village-Koiribigha, P.S.-Madanpur, District-Aurangabad.
5. Manoranjan Kumar Son of Ramadhar Paswan Residence of Village-Koiribigha, Chilmi, P.S.-Madanpur, District-Aurangabad.
6. Ramji Singh Bhokta Son of Sita Singh Bhokta Residence of Village-Jurahi, P.S.-Madanpur, District-Aurangabad.
7. Subhashan Bhuiyan Son of Arjun Bhuiyan Resident of Village-Main Bigha, P.S.-Madanpur, District-Aurangabad.
8. Mujahid Hussain Son of Hujat Miyan Resident of Village-Jurahi, P.S.-Madanpur, District-Aurangabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-10-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

The petitioners in this case are seeking anticipatory
bail in connection with Madanpur P.S. Case No. 137 of 2014
registered for the offences punishable under Sections 147, 148,
341, 323, 337, 326, 307, 353, 427, 435, 504, 124(A) of the
Indian Penal Code, Section 17 of C.L.A. Act, Section 27 of the



Arms Act and Sections 3/4 of the Explosive Substance Act.

Learned counsel for the petitioners submits that these petitioners are not named either by the injured Sepoy or by any other witness and in this connection what has been recorded by the learned Sessions Judge in the impugned order that the name of these petitioners appear in paragraph 50 of the case diary is not correct. These petitioners have no criminal antecedent.

Learned counsel for the State has gone through the case diary. It is submitted that in paragraph 50 of the case diary the name of these petitioners do not appear, further in the statement of the injured Sepoy namely, Shatrughan Chaudhary also these petitioners are not named.

Considering the facts and circumstances of the case wherein altogether 500 persons have been made accused but the name of these petitioners have not transpired in the statement of the injured Sepoy and what has been stated by the learned Sessions Judge with regard to statement present in paragraph 50 of the case diary do not get certified from perusal of the diary, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today in connection with Madanpur P.S. Case No. 137 of 2014 be released on bail on furnishing of bail bonds of Rs. 15,000/-



(fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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