

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.73103 of 2018**

Arising Out of PS. Case No.-236 Year-2018 Thana- PAROO District- Muzaffarpur

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1. Sudish Rai and Anr son of Late Brahmdeo Rai
  2. Raj Kumar Rai son of Sudish Rai Both resident of Village- Mohamadpur, Police Station- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Kumar Dhirendra Pratap Singh

For the Opposite Party/s : Mr.Md. Ashlam Ansari

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

3      15-01-2019                      The petitioners seek bail in anticipation of their arrest in connection with Paroo P.S. Case No. 236 of 2018 dated 22.06.2018 instituted for the offences under Sections 147, 148, 149, 353, 307, 323, 341, 504, 506, 427 of the Indian Penal Code.

The petitioners are alleged to have caused obstruction to the Police Party while arresting one Ashok Rai, a warrantee in a case under the Arms Act. The petitioners are father and brother of aforesaid Ashok Rai respectively.

The learned counsel appearing for the petitioners has submitted that when the Police Party had reached the house of the petitioners, they were made to understand that



the accused/Ashok Rai is not available in the house. Despite that, the Police Party entered in the house of the petitioners and started misbehaving with the inmates. Only on the protest raised by the petitioners, the present case has been lodged.

It has further been submitted that it does not appear to be probable that in presence of the entire Police Party the accused person/warrantee would manage to effect his escape. The petitioners are not alleged to have been armed with any lethal weapons. It is also not alleged as to how they prevented the Police Party from arresting Ashok Rai.

The correctness of the aforesaid assertion gets reflected from the facts that petitioners do not have any criminal antecedents.

It has further been urged that merely because one of the family members of the petitioners is being searched by the Police, the petitioners cannot be faulted with the action of such family member.

Regard being had to the aforesaid facts as also



taking into account the clean antecedents of the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(ten thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, III, Muzaffarpur(West) in connection with Paroo P.S. Case No. 236 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

**(Ashutosh Kumar, J)**

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