

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82486 of 2019

Arising Out of PS. Case No.-152 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

1. Kanhai Sahni @ Kanhaya Sahni @ Kanhaya Kumar S/o Sri Shankar Sahni R/o village- Bajar Near Arya Samaj Mandir, P.S.- Town, District- Darbhanga
2. Kedar Sah @ Kedar Prasad S/o Late Badri Sah R/o village- Bajar Near Arya Samaj Mandir, P.S.- Town, District- Darbhanga
3. Ganesh Sahni S/o Late Mahadeo Sahni R/o village- Bajar Near Arya Samaj Mandir, P.S.- Town, District- Darbhanga
4. Bablu Gupta S/o Shiv Shankar Prasad Gupta @ Shiv Shankar Pd. Gupta R/o village- Bajar Near Arya Samaj Mandir, P.S.- Town, District- Darbhanga

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-12-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Laherisarai P.S. Case No.152 of 2018 registered for the offences punishable under Sections 147, 149, 188, 291, 294, 295(A), 353 and 505 of the Indian Penal Code.

Learned counsel for the petitioners submits that the allegation against the petitioners are general and omnibus. The petitioners are only member of mob. It is further submitted that



the procession was going on in the meantime some persons of other community stopped the said procession and members of procession intervened the matter but they have falsely been implicated in the present case.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of this case, wherein there are allegations that these petitioners were present in the procession which was taken out on the occasion of Ramnavami but there is no allegation that these persons had in any way instigated the others for singing the disputed song and further there is no allegation that these persons had indulged in any kind of assault in the nature of allegation, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Laherisarai P.S. Case No. 152 of 2018, subject to the condition 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)

vats/ved

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