

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77666 of 2019

Arising Out of PS. Case No.-316 Year-2016 Thana- Krityanand Nagar District- Purnia

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1. Dinesh Sharma Son of Late Mannu Sharma Resident of Village-Jhunni Istambrar, Bajrangbali Asthan, P.S.-K.Nagar, District-Purnea.
 2. Md. Irshad Son of Salim Resident of Village-Jhunni Istambrar, Bajrangbali Asthan, P.S.-K.Nagar, District-Purnea.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Vikramdeo Singh, Advocate
		Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 26-06-2020 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State via video conferencing.

The petitioners seek pre-arrest bail in connection with K. Nagar P.S. Case No.316 of 2016 registered under Sections 147, 148, 149, 151, 152, 188, 285, 341, 323, 353, 506, 504 of the Indian Penal Code.

It is submitted by Mr. Vikramdeo Singh, learned counsel for the petitioners that save and except Section 353 of



the Indian Penal Code, all other sections under which the FIR has been instituted are bailable in nature. There is no allegation of assault or use of criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as public servant. In absence of the aforesaid allegations, the ingredients of the offence punishable under Section 353 would not be attracted.

On the other hand, learned Additional Public Prosecutor for the State submitted that a mob of 50-60 persons including the petitioners had put barrier on NH-107 and had obstructed the entire traffic. He contended that the aforesaid act of the mob including the petitioners would certainly attract the ingredients of Section 353 of the Indian Penal Code.

Be that as it may, considering that a protest was being made by some persons in which neither any public nor any public servant had sustained any injury, the petitioners, who are reported to be men of clean antecedent, are directed to be released on bail, in the event of arrest or surrender before the court below, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Purnea in K. Nagar P.S. Case



No.316 of 2016, subject to the conditions as laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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