

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29327 of 2021

Arising Out of PS. Case No.-336 Year-2020 Thana- MADHUBAN District- East Champaran

1. SURESH PRASAD SON OF DINANATH PRASAD Resident of Village - Madhuban Bazaar, P.S.- Madhuban, Distt.- East Champaran.
2. Rahul Kumar @ Qusa Son of Dinanath Prasad Resident of Village - Madhuban Bazaar, P.S.- Madhuban, Distt.- East Champaran.
3. Moti Lal Sha Son of Baldeo Sah Resident of Village - Madhuban Bazaar, P.S.- Madhuban, Distt.- East Champaran.
4. Sitaram Sah @ Sitaram Prasad Son of Basudeo Sah Resident of Village - Madhuban Bazaar, P.S.- Madhuban, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-02-2022 Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defect(s) as pointed out by the office when called upon to do so by the office.

At the very outset, it is submitted by learned counsel for the petitioners that during pendency of this application, petitioner no.1, namely, Suresh Prasad has been arrested and, as such, he seeks permission to withdraw the petition.



Permission is accorded.

Accordingly, this petition as against petitioner no.1, namely, Suresh Prasad is dismissed as withdrawn.

So far as petitioners no.2 to 4 are concerned, they are apprehending their arrest in a case registered for the offences punishable Sections 147, 148, 353, 336, 337, 427 and 504 of the Indian Penal Code and Section 3 of the Prevention of Damage of Public Property Act, 1984.

It is a case of creating hindrance in discharge of official duties of the police personnel by the accused persons.

It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in this case. He further submits that there is general and omnibus allegation against all the petitioners. Petitioners have no criminal antecedent.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, let the petitioner no.2, namely, Rahul Kumar @ Qusa, petitioner no.3, namely, Moti Lal Sha and petitioner no.4, namely, Sitaram Sah @ Sitaram Prasad, in the event of their arrest or surrender before the court below within a period of four weeks from



today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Kumari Jyotsna, Judicial Magistrate, Ist Class, East Champaran at Motihari in connection with Madhuban P.S. Case No. 336 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

brajesh kumar/-

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