

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45917 of 2018

Arising Out of PS. Case No.-258 Year-2017 Thana- PIRO District- Bhojpur

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1. Bikki Rai and Anr s/o Bhola Rai @ Sushil Rai
 2. Ajay Rai s/o Sri Ramesh Rai all r/o vill - Bachri, P.S. - Piro, Distt. Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Sinha, Advocate
For the State	:	Sri Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

This is an application for setting aside the condition part of the order dated 15.02.2018, passed in A.B.P. No. 221 of 2018 by learned Court of Sessions Judge, Bhojpur, Ara, by which the petitioners have been granted anticipatory bail but with certain conditions in connection with Piro P.S. Case No. 258 of 2017, for the offence under Sections 147, 148, 149, 120B, 295A, 153A, 188, 353, 307, 323, 341, 504, 506, 379, 436 and 427 of the Indian Penal Code and Section 27 of the Arms Act, pending in the Court of Additional Chief Judicial Magistrate-I, Bhojpur, Ara.

At the outset, it is submitted that while approaching



for relief, as prayed, it was observed by this Court, while disposing Cr. Misc. No. 25814 of 2018 dated 27.04.2018, as to file petition under Section 482 of the Cr.P.C. Hence, the present petition.

The prosecution case, in short, is that on the eve of Moharram festival several persons, under the leadership of one Hari Jee Tiwari of Bharat Vikash Manch, assembled near Pitan Devi Temple and participant of Moharram processionist were armed with lethal weapons like sword, spear, stick etc., they started pelting stones and tried to damage the said Temple. In retaliation, another group also appeared and started pelting stones and when the Magistrate came alongwith the force to control the situation, they were also attacked.

Learned counsel for the petitioner submitted that petitioners are poor fellow, living with agricultural practices and imposing such a heavy amount is appearing extraneous for them and they are not in a position to deposit Rs.15,000/- (Rupees Fifteen Thousand) by each of them. It is further submitted that in passing anticipatory bail of other co-accused persons by this Hon'ble High Court, no such stringent condition was imposed upon the petitioners, as to deposit such heavy amount in cash as surety. It is submitted that having no option left, the present



quashing petition is filed to quash/modify relevant part of the order dated 15.02.2018, which contains the said condition, as to deposit Rs.15,000/- (Rupees Fifteen Thousand) as one of the condition.

Considering the submission, as made above, the order dated 15.02.2018 passed in A.B.P. No. 221 of 2018 by learned Sessions Judge, Bhojpur, Ara be modified to the extent that the part of the said order, which contains the condition, as to deposit a amount of Rs.15,000/- (Rupees Fifteen Thousand) by each of the petitioners as surety shall be omitted.

Accordingly, the present quashing petition is allowed, to the aforesaid extent.

(Chandra Shekhar Jha, J)

Ankit/-
S.Tripathi/-

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