

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51703 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- GHOSI District- Jehanabad

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1. Raushan Kumar @ Munna Son of Sanjay Sharma @ Sanju Residence of Village - Parawan, Police Station - Ghoshi, District - Jehanabad.
 2. Sonu Kumar @ Sonam Kumar Son of Sanjay Sharma Resident of Village - Parawan, Police Station - Ghoshi, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ghoshi P.S. Case No.3 of 2024 (Ghoshi FIR No.5790026240003), registered for the offences punishable under Sections 379/411/353/34 of the Indian Penal Code.

3. As per prosecution, the FIR has been lodged against six named and four unknown accused persons against whom there is allegation that they have created problem in the official duty when the police has seized the tractor. The accused persons have tried to snatch the tractor from the custody of the police.



4. Learned counsel for the petitioners submits that on the allegation he has nothing to say but his argument is based on technical point that the offences in which the petitioners have been made accused are the offences in which punishment is less than seven years and he is entitled for benefit of Section 41 of the Cr.P.C. Learned counsel further submits that it is true that antecedents of the petitioners are not good. There is one criminal antecedent of petitioner No.1 in which he is on bail and there is three criminal antecedents of petitioner No.2 in which he is on bail in one case and in two cases he is persuading for bail. Counsel submits that the petitioners are ready to fulfill all the conditions whatsoever shall be imposed.

5. Learned counsel for the State opposes the prayer for bail and submits that the allegation against the petitioners that they have interfered in the official duty of the government servant and there is an allegation that they have tried to snatch the tractor through which loss of Rs.2,84,860/- has tried to be made.

6. In the present facts and circumstances of the case, the petitioners, above named, are directed to deposit Rs.50,000/- each before the Mines Officer, District Mines Office, Jehanabad, within three weeks from today and upon



proof of deposit of the said amount before the said Officer the trial Court is directed to release the petitioners, above named, on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order on furnishing bail bond of Rs.30,000/- (Thirty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Officer, Jehanabad/Successor Court in connection with Ghoshi P.S. Case No.3 of 2024 (FIR No.5790026240003), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as on being satisfied that petitioner No.1 is not absconding in Ghoshi P.S. Case No.170 of 2015 and petitioner No.2 is not absconding in Jehanabad Town P.S. Case No.278 of 2024, Ghoshi P.S. Case No.140 of 2024 and Ghoshi P.S. Case No.77 of 2022.

(Dr. Anshuman, J)

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