

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41525 of 2019

Arising Out of PS. Case No.-288 Year-2018 Thana- BARGAINIA District- Sitamarhi

1. DHIRAJ KUMAR @ DHIRAJ KUMAR SINGH @ DHIRAJ PATEL, aged about 27 years, Male, S/o Badri Singh, R/o village- Ashogi Ward No. 3, P.S.- Bairstania, District- Sitamarhi
2. Sarvjeet Kumar, aged about 19 years, Male, S/o Bashant Mahto, R/o village- Ashogi Ward No. 3, P.S.- Bairstania, District- Sitamarhi
3. Santosh Kumar Paswan @ Santoshd Paswan @ Santosh Paswan, aged about 28 years, Male, S/o Thagan Paswan, R/o village- Shivnagar Ashogi Ward No. 6, P.S.- Bairstania, District- Sitamarhi
4. Naresh Mahto @ Narehd Mahto, aged about 35 years, Male, S/o Chandeshwar Mahto R/o village- Ashogi Ward No. 3, P.S.- Bairstania, District- Sitamarhi

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Uday Kumar, Adv.

For the Opposite Party : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 05-07-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Bargania P.S. Case No. 288 of 2018 for the offences alleged under Sections 147, 148, 149, 341, 323, 353 and 504 of the Indian Penal Code.

The accusation is that on receiving secret information about blockade of road by putting dead body of victim, Priyanshu Kumari, in connection with Bargania P.S. Case No. 286 of 2018 and creating nuisance by the mob, the informant



and other police officials reached at Bargania and saw 100-150 people have been blockading the road, burning the tyre and raising slogans against the police. While the informant and other police personnel tried to convince them, but, they started pelting stones on the police party. The local Chowkidar identified seven persons, including the petitioners, out of the mob, which is led by Dheeraj Patel (petitioner no. 1) and Raj Kumar Sah.

The submission of the learned counsel for the petitioners is that petitioner no. 1 has been named in the first information report. It is submitted that the petitioners have falsely been implicated in this case at the instance of the local Chowkidar, who have grudge with the petitioners. The petitioners have no criminal antecedent.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Bargania P.S. Case No. 288 of 2018 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the



like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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