

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46266 of 2019

Arising Out of PS. Case No.-843 Year-2018 Thana- TURKAULIYA District- East
Champaran

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SHAYAMAKANT BAITHA @ RAMAKANT BAITHA @ MASTER
SAHAB @ MASTER, Son of Ayodhya Baitha Resident of Village - Singhiya
Hivan, P.S.- Banjariya, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan

For the Opposite Party/s : Mr.Navin Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 26-07-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Banjariya P.S. Case no. 843 of 2018, registered under
Sections 147, 149, 341, 353, 323, 186 and 283 of the Indian
Penal Code and Section 3/4 of the Prevention of Damage to
Public Property Act.

The accusation is that on 16.12.2018, in course of
patrolling, the informant and other Police personnel received
information about blockage of road due to death of a child in
road accident near Singhiya Gumti. The informant and other
Police personnel reached there and took the dead body of child
and sent to the Sadar Hospital for Postmortem, but in the



meantime, local peoples blocked the road and started to commit Marpit with the driver of the tractor, anyhow, the tractor driver was saved and sent for sadar hospital for treatment and seeing the situation uncontrolled, the superior Police officials were informed, later on, they come, but mob started pushing and pulling the Police officers and disturbed them to perform their duties. At that time, eight persons named in the F.I.R., including the petitioner, were indulged in instigating the mob.

Learned counsel for the petitioner submits that, although, the petitioner is named in the F.I.R., but no specific overt act has been attributed against the petitioner. Further submission is that similarly situated co-accused Rajesh Prasad @ Rajesh Sah has already been allowed privilege of pre-arrest bail vide Criminal Miscellaneous No. 20234 of 2019 on 02.04.2019. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate,



East Champaran at Motihari in connection with Banjariya P.S.
Case No. 843 of 2018, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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