

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48305 of 2019

Arising Out of PS. Case No.-185 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Ajeet Kumar, Son of Bijendra Kumar @ Bijendra Singh Resident of Village - Rup Maghi, P.S.- Salimpur, Dist.- Patna. at Present S.S. Exotica Banquet and hotel, at N.H.29 Bariyarpur Bankat Motihari, P.S.- Motihari Muffasil, Dist.- East Champaran.
 2. Paramjeet Kumar, Son of Bijendra Kumar @ Bijendra Singh Resident of Village - Rup Maghi, P.S.- Salimpur, Dist.- Patna. at Present S.S. Exotica Banquet and hotel, at N.H.29 Bariyarpur Bankat Motihari, P.S.- Motihari Muffasil, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-08-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
Muffasil P.S. Case No.185 of 2019 for the offence punishable
under Sections 147, 148, 149, 341, 342, 323, 307, 337, 338,
353, 333, 427, 435 of the Indian Penal Code and Section 4 of
Prevention of Public Property Damage Act.

The allegation against the petitioners is that
petitioners along with his father and staff of the hotel S.S. Exortica
used criminal force upon in charge of Raghunathpur O.P., namely,



Sandeep Kumar causing injury near his head and some other person received minor injury.

Mrs. Reshmi Jha, learned counsel appearing for the petitioners submits that petitioners are innocent and for the same incident, three FIRs were lodged inasmuch as Mufassil P.S. Case No.184 of 2019 was lodged by petitioner No.2 and Muffasil P.S. Case No. 186 of 2019 was filed by the police officers. Learned counsel submits that in fact one visiting professor of the Engineering College was staying in hotel and due to some defect in the A.C. Unit, there was dispute between the student of the engineering college and the hotel management and the students of the college also damaged the property of the hotel and put a road jam in front of the hotel also.

Learned counsel for the petitioners further submits that in the brawl, the petitioners were also injured. She further submits that if the petitioners themselves were injured, the allegation of assault made by them upon the police personnel and preventing them from discharging duty, appears to be not tenable. She further submits that the petitioners are student, studying and doing foundation course of engineering in Aakash Institute and if they are arrested, it will be greatly harmful to them.



After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that there was a dispute between the students of engineering college and hotel management and the students damaged the property of the hotel and further the petitioners have also been injured in the incident and the petitioners are doing foundation course of engineering, as such, I am inclined to grant anticipatory bail to both the petitioners.

Accordingly, both the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, District-East Champaran, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

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(Anil Kumar Sinha, J)

