

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53786 of 2019

Arising Out of PS. Case No.-106 Year-2019 Thana- JOGAPATTI District- West Champaran

1. SHAMBHU MAHTO @ SHAMBHU PRASAD, aged about 55 years, Male, S/o Sarayug Mahto, R/o village- Mishrauli Goita Tola, P.S.- Yogapatti (Sanichari), District- West Champaran
 2. Ajay Prasad, aged about 35 years, Male, S/o Shambhu Mahto @ Shambhu Prasad, R/o village- Mishrauli Goita Tola, P.S.- Yogapatti (Sanichari), District- West Champaran
 3. Manoj Prasad, aged about 30 years, Male, S/o Shambhu Mahto @ Shambhu Prasad, R/o village- Mishrauli Goita Tola, P.S.- Yogapatti (Sanichari), District- West Champaran
 4. Jai Prakash Prasad, aged about 35 years, Male, S/o Late Rajdeo Mahto, R/o village- Mishrauli Goita Tola, P.S.- Yogapatti (Sanichari), District- West Champaran
 5. Umesh Prasad, aged about 40 years, Male, S/o Late Rajdeo Mahto R/o village- Mishrauli Goita Tola, P.S.- Yogapatti (Sanichari), District- West Champaran
 6. Arun Kumar @ Arun Prasad, aged about 25 years, Male, S/o Umesh Prasad, R/o village- Mishrauli Goita Tola, P.S.- Yogapatti (Sanichari), District- West Champaran
 7. Vikash Kumar, aged about 18 years, Male, S/o Jai Prakash Prasad R/o village- Mishrauli Goita Tola, P.S.- Yogapatti (Sanichari), District- West Champaran
- ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 27-08-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with
Yogapatti (Sanichari) P.S. Case No. 106 of 2019 for the offences
alleged under Sections 147, 149, 341, 323, 332, 307, 308, 353



and 427 of the Indian Penal Code.

The accusation is that on receiving the information about dispute in between Dinesh Prasad and his cousin brother, Shambhu Mahto due to casting of the roof of the house of Dinesh Prasad, the informant, Manoj Kumar Prasad, along with other police officials, gone there and tried to convince both the parties, but, 14 persons, named in the first information report, including the petitioners, and 20 unknown, with intention to kill, created nuisance in discharge of the official duty started pelting stones in which informant and other police officials sustained injuries. At that time, six persons, namely, Bhola Prasad, Bireshwar Prasad, Rohit Kumar, Niranjana Kumar, Suresh Prasad and Vivek Kumar were apprehended.

The submission of the learned counsel for the petitioners is that in fact the petitioners were not present on the spot, but, petitioners, being the co-villagers, have falsely been implicated in this case without any specific overt act. 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 Yogapatti (Sanichari) P.S. Case No. 106 of 2019 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, West Champaran at Bettiah, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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