

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55602 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- BARGAINIA District- Sitamarhi

1. Jitendra Mahto @ Jitendra Kumar Mahto (male), aged about- 38 years, Son of Ram Janam Mahto, Resident of Village - Nandwar, P.S.- Bairgania, District - Sitamarhi.
2. Sanjiv Kumar (male), aged about- 35 years, Son of Ram Ekbal Mahto, Resident of Village - Nandwar, P.S.- Bairgania, District - Sitamarhi.
3. Ganga Devi @ Gago Devi (female), aged about-55 years, Wife of Ram Janam Mahto, Resident of Village - Nandwar, P.S.- Bairgania, District - Sitamarhi.
4. Upendra Sah (male), aged about-42 years, Son of Bishundayal Sah, Resident of Village - Nandwar, P.S.- Bairgania, District - Sitamarhi.
5. Ganesh Mahto (male), aged about- 55 years, Son of Ramchandra Mahto, Resident of Village - Nandwar, P.S.- Bairgania, District - Sitamarhi.
6. Jagdish Sah (male), aged about- 41 years, Son of Late Dular Chand Sah, Resident of Village - Nandwar, P.S.- Bairgania, District - Sitamarhi.
7. Basant Kumar (male), aged about- 42 years, Son of Ram Pravesh Mahto, Resident of Village - Nandwar, P.S.- Bairgania, District - Sitamarhi.
8. Santosh Kumar (male), aged about- 35 years, Son of Ganesh Mahto, Resident of Village - Nandwar, P.S.- Bairgania, District - Sitamarhi.
9. Jaleshwar Mahto (male), aged about- 45 years, Son of Anhoti Mahto, Resident of Village - Nandwar, P.S.- Bairgania, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-09-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection
with Bairgania P.S. Case No. 01 of 2019 registered under



sections 147, 148, 149, 323, 353 and 504 of the IPC.

The allegation against the petitioners, as per the first information report, is that the informant of Bairgania P.S. Case No. 241 of 2018 namely Jitendra Kumar Mahto, petitioner no. 1 along with 8 to 10 supporters blocked the road near Nandwara Chowk by putting bamboo and caused obstruction to the passersby. When police official reached, they raised slogans against the police party and also hurled abuse upon them.

Mr. Pushpendra Kumar, learned counsel appearing for the petitioners submits that petitioners have falsely been implicated on the basis of statement made by the local Chowkidar with oblique motive inasmuch as the petitioner no. 1 is the informant of Bairgania P.S. Case No. 241 of 2018 lodged against local people and no action by the police was being taken and upon that some persons were peacefully protesting, when the police party arrived at the place of occurrence. Learned counsel further submits that no assault was made on the police party and it was peaceful protest by the villagers.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner no. 1 is the informant of the FIR bearing no. Bairgania P.S. Case No. 241 of 2018 and there was peaceful protest by the villagers in order to



persuade the police officials to start investigation and taking appropriate action against the accused persons involved in Bairgania P.S. Case No. 241 of 2018, I am inclined to grant anticipatory bail to all the petitioners.

Accordingly, the petitioners, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today 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 the learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 01 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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