

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54167 of 2019

Arising Out of PS Case No.-32 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Chandan Kumar Paswan @ Chandan Kumar, Male age 32 years, Son of Jiwachh Paswan, Resident of Village- Sakarbasa, Ward No.2, P.S.- Cheriya Bariarpur, District- Begusarai.
 2. Md. Shamsul @ Md. Shamsul Hasan @ Shamsul Hasan, Male age 31 years, Son of Md. Kasim Resident of Village- Sakarbasa, Ward No.2, P.S.- Cheriya Bariarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the State : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 20-11-2019

Heard learned counsel for the petitioners and learned
APP for the State.

2. At the very outset, learned counsel for the petitioners submitted that he would not be pressing the application on behalf of petitioner no. 1 as he has already been arrested and, thus, the application stands restricted to petitioner no. 2.

3. The petitioner no. 2 has moved the Court seeking pre-arrest bail in connection with Cheriya Bariyarpur PS Case No. 32



of 2019 dated 06.03.2019 instituted under Sections 341, 323, 147, 448 and 353 of the Indian Penal Code.

4. The allegation against the petitioners was that they were leading a group of 30-35 unknown persons who had come to the school and assaulted and misbehaved with the informant, who is the Incharge Headmistress of Utkramit Middle School, Sakarbasa. It was further alleged that the teachers were ousted from the classes and the rooms were locked and the administration came and freed them.

5. Learned counsel for the petitioner submitted that the school was in a pitiable condition as no educational activity was being performed, for which he had made complaint to various authorities and an organization was also formed and prior to the present case, he had sent by registered post a petition to the District Education Officer for taking action and corrective measure which remained unacted upon. It was submitted that even as per the allegation, nobody was either hurt nor any damage caused to the school property. Learned counsel submitted that the petitioner no. 2 has no criminal antecedent.

6. Learned APP, from the case diary, did not controvert the fact that the petitioner no. 2 is said to have come with 30-35



unknown persons and that there is no specific allegation of any overt act and also that there is no injury or damage reported.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within four weeks from today, the petitioner no. 2 namely, Md. Shamsul @ Md. Shamsul Hasan @ Shamsul Hasan, be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Manjhaul, Begusarai in Cheriya Bariyarpur P.S. Case No. 32 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

8. Further, the petitioner no. 2 and the bailors shall execute bond with regard to good behaviour of the petitioner no. 2. Any violation of the terms and conditions of the bonds shall lead to cancellation of his bail bonds.

9. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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