

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66901 of 2019

Arising Out of PS. Case No.-375 Year-2019 Thana- CHIRAIYA District- East Champaran

1. RAM VINAY KUMAR @ RAM VINAY YADAV, Son of Yodha Rai Resident of Village-Ruphara, P.S-Shikarganj, District-East Champaran
2. Niraj Kumar Son of Vinod Singh Resident of Village-Ruphara, P.S-Shikarganj, District-East Champaran
3. Brajesh Kumar Son of Ramagya Rai Resident of Village-Ruphara, P.S-Shikarganj, District-East Champaran
4. Bijali Rai @ Bijali Kumar Rai Son of Kapildeo Rai Resident of Village-Ruphara, P.S-Shikarganj, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ankur Prakash Sinha
For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-11-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 150, 151, 152, 341, 342, 323, 324, 307, 379, 333, 353, 337, 338, 504 and 506 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of the Circle Officer, Chiraiya, East Champaran submitted before the Station House Officer, Chiraiya Police Station is to the effect that the informant received a secret information that near Ruphara canal, certain people of Ruphara



Panchayat has blocked the road. Thereafter, the informant along with Officer-in-Charge of Chiraiya and other Police personnel reached there and found that more than hundred people, armed with lathi, stick etc. has blocked the road. When the police tried to pacify the issue, the mob started raising slogans against the administration and made assault on the police personnel and the informant. It is further alleged that co-accused, Manish Kumar and Ganesh Kumar wrapped a towel around the neck of the informant and confined him in a room. On the basis of video footage, eight persons and other named in the FIR, including the petitioners were identified as member of the mob.

It is submitted by learned counsel for the petitioners that there is no specific accusation against the petitioners, rather general and omnibus accusation has been levelled against the mob. Moreover, similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 06.11.2019, passed in Criminal Miscellaneous No. 65949 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that all the accused persons, including the petitioners obstructed the



administration in discharging official duty.

Considering the accusation being omnibus and general, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Sikrahana at Dhaka, Motihari, East Champaran, in connection with Chiraiya P.S. Case No.375 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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