

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70219 of 2019

Arising Out of PS. Case No.-160 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

1. RAMDAYAL MAHATO Son of Harihar Mahto Resident of Village - Kasturiya, P.S.- Tariyani, Distt.- Sheohar.
2. Gauri Shankar Ray @ Gaudhi Shankar Ray Son of Ranjit Ray Resident of Village - Kasturiya, P.S.- Tariyani, Distt.- Sheohar.
3. Raghupati Ray Son of Ram Bharosh Roy Resident of Village - Kasturiya, P.S.- Tariyani, Distt.- Sheohar.
4. Satrugan Sah @ Shatrodhan Sah Son of Late Hardayal Sah Resident of Village - Kasturiya, P.S.- Tariyani, Distt.- Sheohar.
5. Devendra Ray Son of Ram Ashish Ray Resident of Village - Kasturiya, P.S.- Tariyani, Distt.- Sheohar.
6. Triveni Mahto Son of Late Charitar Mahto Resident of Village - Kasturiya, P.S.- Tariyani, Distt.- Sheohar.
7. Munna Ray @ Munna Kumar Son of Jatan Ray Resident of Village - Kasturiya, P.S.- Tariyani, Distt.- Sheohar.
8. Sunil Kumar Son of Nathuni Sah Resident of Village - Kasturiya, P.S.- Tariyani, Distt.- Sheohar.
9. Sonafi Ram Son of Jagdish Ram Resident of Village - Kasturiya, P.S.- Tariyani, Distt.- Sheohar.
10. Rajvanshi Ray Son of Late Dhan Raj Ray Resident of Village - Kasturiya, P.S.- Tariyani, Distt.- Sheohar.
11. Ram Chandar Ray @ Ram Chandra Ray Son of Sudani Ray Resident of Village - Kasturiya, P.S.- Tariyani, Distt.- Sheohar.
12. Rajesh Sah Son of Rajvanshi Sah Resident of Village - Kasturiya, P.S.- Tariyani, Distt.- Sheohar.
13. Manoj Ray Son of Shiv Dayal Ray Resident of Village - Kasturiya, P.S.- Tariyani, Distt.- Sheohar.
14. Anish Kumar @ Anish Paswan Son of Ram Narayan Paswan Resident of Village - Shiv Nagar P.S.- Tariyani, Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER



2 18-12-2019

Mr. Uday Kumar, learned counsel for the petitioners states that petitioner nos. 1, 3, 4, 6, 10, 11, 12 and 13 have already been arrested and seeks permission to withdraw the anticipatory bail petition as against them, as the same has become infructuous.

2. Permission is accorded. Anticipatory bail petition as against petitioner nos. 1, 3, 4, 6, 10, 11, 12 and 13 is permitted to be withdrawn and is dismissed as such.

3. Heard learned counsel for the petitioner nos. 2, 5, 7, 8, 9 and 14 and learned APP APP for the State.

4. The petitioner nos. 2, 5, 7, 8, 9 and 14 apprehend their arrest for the offences alleged under Sections 147, 149, 283 and 353 of the Indian Penal Code and Section 3 of Prevention of damage to Public Property Act, 1984, registered in connection with Tariyani P.S. Case No. 160 of 2019.

5. It is submitted that the petitioner nos. 2, 5, 7, 8, 9 and 14 have been falsely implicated in connection with road blockade, including misbehaving with the police personnel and damaging of government property and the FIR is against as many as 18 named and 200 unknown persons. There is no overt act against the petitioner nos. 2, 5, 7, 8, 9 and 14. The petitioner nos. 2, 5, 7, 8, 9 and 14 claim clean antecedents.



6. Be that as it may, in the event of arrest of petitioner nos. 2, 5, 7, 8, 9 and 14 before court below within six weeks from the date of communication of this order, let the above named petitioner nos. 2, 5, 7, 8, 9 and 14 be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar in connection with Tariyani P.S. Case No. 160 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner nos. 2, 5, 7, 8, 9 and 14.

(ii) That the petitioner nos. 2, 5, 7, 8, 9 and 14 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner nos. 2, 5, 7, 8, 9 and 14 shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner nos. 2, 5, 7, 8, 9 and 14 shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without



sufficient reason, their bail bonds shall be liable to be cancelled
by the learned court concerned.

(Vikash Jain, J)

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