

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8250 of 2020

Arising Out of PS. Case No.-184 Year-2019 Thana- PAHARPUR District- East Champaran

1. BINOD PRASAD Son of Ramagya Mahto Resident of Village - Parsauni, P.S. - Paharpur, District - East Champaran.
2. Pramod Prasad Son of Ramagya Mahto Resident of Village - Parsauni, P.S. - Paharpur, District - East Champaran.
3. Anirudh Prasad Son of Ramagya Mahto Resident of Village - Parsauni, P.S. - Paharpur, District - East Champaran.
4. Gauri Mahto Son of Late Rudal Mahto Resident of Village - Parsauni, P.S. - Paharpur, District - East Champaran.
5. Lalan Mahto Son of Late Rudal Mahto Resident of Village - Parsauni, P.S. - Paharpur, District - East Champaran.
6. Ranjeet Mahto Son of Korai Mahto Resident of Village - Parsauni, P.S. - Paharpur, District - East Champaran.
7. Tarkeshwar Mahto Son of Shivdhar Mahto Resident of Village - Parsauni, P.S. - Paharpur, District - East Champaran.
8. Amod Prasad @ Anirudh Prasad Son of Rajbanshi Prasad Resident of Village - Parsauni, P.S. - Paharpur, District - East Champaran.
9. Sanju Devi wife of Binod Prasad Resident of Village - Parsauni, P.S. - Paharpur, District - East Champaran.
10. Meena Devi Wife of Pramod Prasad Resident of Village - Parsauni, P.S. - Paharpur, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-06-2020 The petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.



At the outset, it is submitted that the present anticipatory bail petition qua the petitioner no. 8 has already stood dismissed by an order dated 4.3.2020 and as far as petitioner no. 1 is concerned, the learned counsel for the petitioner seeks to withdraw the present petition in order to enable the petitioner no. 1 to surrender before the learned court below and seek regular bail.

Accordingly, the present petition qua the petitioner no. 1 stands dismissed as not pressed.

Heard the learned counsel for the petitioners and Sri Ashok Kumar Singh, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Paharpur P.S. Case No. 184 of 2019 registered for the offence punishable under Sections 143, 186, 188, 341, 323, 324, 307, 332, 333, 353 and 309 of the Indian Penal Code.

The case of the prosecution in brief is that the informant, who is the Anchaladhikari of Paharpur, had gone to village Parsauni along with police force for removal of encroachment from the Government land when all the accused persons named in the FIR, numbering 13 in all had obstructed the Government servants in execution of their duties as also had used criminal force upon them apart from pelting stones and bricks on them. It



is further alleged that the petitioner no. 1 had tried to set ablaze his own house and had also tried to self-immolate by pouring kerosene oil on his body.

The learned counsel for the petitioners has submitted that apart from the petitioner no. 1, there is a general and omnibus allegation, which has been levelled against the rest of the petitioners herein and they have not been alleged to have engaged in any specific overt act. It is further submitted by referring to paragraph no. 9 of the present petition that none had received any injury. It is further submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having clean antecedent.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the petitioners no. 2 to 7 and 9 to 10 are having a clean antecedent and they have not been alleged to have engaged in any sort of specific overt act, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioner nos. 2 to 7 and 9 to 10 are



directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Paharpur P.S.Case No. 184 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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