

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13996 of 2020

Arising Out of PS. Case No.-504 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

1. DHARMENDRA RAM S/o Surendra Ram Resident of Village-Samahuta, P.S.-Mohania, District-Kaimur (Bhabua).
2. Vikash Kumar Singh S/o Late Vidyasagar Singh Resident of Village-Samahuta, P.S.-Mohania, District-Kaimur (Bhabua).
3. Deepak Singh S/o Birendra Singh Resident of Village-Samahuta, P.S.-Mohania, District-Kaimur (Bhabua).
4. Santosh Chaudhary S/o Late Raghurai Chaudhary Resident of Village-Mallah Toli, Dadawan, P.S.-Mohania, District-Kaimur (Bhabua).
5. Mangal Chaudhary S/o Late Rampyare Chaudhary Resident of Village-Mallah Toli, Dadawan, P.S.-Mohania, District-Kaimur (Bhabua).
6. Chhotu Chaudhary S/o Munna Chaudhary Resident of Village-Mallah Toli, Dadawan, P.S.-Mohania, District-Kaimur (Bhabua).
7. Monu Chaudhary S/o Bigan Chaudhary Resident of Village-Mallah Toli, Dadawan, P.S.-Mohania, District-Kaimur (Bhabua).
8. Pankaj Chaudhary S/o Moti Chaudhary Resident of Village-Mallah Toli, Dadawan, P.S.-Mohania, District-Kaimur (Bhabua).
9. Raja Chaudhary S/o Jawahar Chaudhary Resident of Village-Mallah Toli, Dadawan, P.S.-Mohania, District-Kaimur (Bhabua).
10. Shera Chaudhary S/o Munna Chaudhary Resident of Village-Mallah Toli, Dadawan, P.S.-Mohania, District-Kaimur (Bhabua).
11. Balistar Gupta S/o Late Bajarangi Sah Resident of Village-Awanrhi, P.S.-Mohania, District-Kaimur (Bhabua).
12. Santosh Gupta S/o Late Shankar Sah Resident of Village-Awanrhi, P.S.-Mohania, District-Kaimur (Bhabua).
13. Gabbar Gupta S/o Late Uday Sah Resident of Village-Awanrhi, P.S.-Mohania, District-Kaimur (Bhabua).
14. Bigau Gupta @ Milau Gupta S/o Antu Sah Resident of Village-Awanrhi, P.S.-Mohania, District-Kaimur (Bhabua).

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER



2 03-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Counsel for the petitioner seeks permission of the Court to withdraw this application in respect of petitioner no. 8 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 8.

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

The petitioner petitioner nos. 1 to 7 and 9 to 14 are apprehending their arrest in a case registered under Sections 147, 148, 153(A), 290, 353, 307, 326, 332, 436, 379, 283, 337, 285 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, in short, is that while a crowd was protesting against a gang rape of a victim, in which altercation took place and accused persons started pelting stones on police personnel and created chaos.

It has been submitted on behalf of the petitioners that the 1 to 7 and 9 to 14 have got no criminal antecedent. There is



no allegation of tampering of witnesses alleged against the petitioner nos. 1 to 7 and 9 to 14. The petitioner nos. 1 to 7 and 9 to 14 have falsely been implicated in the present case. The petitioner nos. 1 to 7 and 9 to 14 were alleged to be among the protesters. No specific overt act is alleged against the petitioner nos. 1 to 7 and 9 to 14. General and omnibus allegation has been made against the petitioner nos. 1 to 7 and 9 to 14.

On behalf of the State, it is submitted that petitioner nos. 1 to 7 and 9 to 14 are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner nos. 1 to 7 and 9 to 14 above named, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Chief Judicial Magistrate, Bhabua, Kaimur in connection with Mohania P.S. Case No. 504/2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Once the normalcy is restored, the petitioner nos. 1 to 7 and 9 to 14 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the Court



concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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