

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15438 of 2020

Arising Out of PS. Case No.-499 Year-2018 Thana- BAKHTIYARPUR District- Patna

1. ONKAR PRASAD Son of Bashistha Prasad
2. Bindeshwar Yadav @ Mandal @ Bindeshwar Prasad Singh Son of Late Harkhu Singh
Both Resident of Raghobpur, P.S.- Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Chaudhary, Adv.
For the Opposite Party/s : Mr.Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 15-10-2020 Heard both sides through Video Conferencing.

The petitioners apprehend their arrest in Bakhtiyarpur P.S. Case No.499 of 2018 registered under Sections 147, 148, 149, 341, 323, 307, 427, 353, 283 of the Indian Penal Code and Section 27 of the Arms Act.

Vinay Kumar, A.S.I. of Bakhtiyarpur P.S. in sum and substance alleged that somebody was drinking the liquor in the disputed land of Mahendra Yadav and Lallu Mukhiya. The son-in-law of Mahendra Yadav called some anti social elements on the land. The informant having received such information went to the place of occurrence and saw many persons assembled there. They started fleeing away. The police apprehended two



persons namely, Ramu Kumar @ Rajkumar and Pawan Kumar. They were in inebriated conditions. Some people also assembled there and they entered into scuffle with the police. On such, many other persons from the side of Mahendra Yadav came and assaulted the police officials, damaged the police vehicles and also made firing on the police force. The informant named the petitioners as the persons who were in the mob from the side of Mahendra Yadav.

The learned counsel for the petitioners submits that petitioner No.2 is aged about 88 years. It is further submitted that nobody was injured. The police did not receive any firearm injury. Somebody sat on dharna on road against the highhandedness of the police and that is why the police lodged the case making false allegation against the petitioners but it appears that it is a case of sheer criminality. While the police were on duty to prevent any untoward incident of grabbing the land, the police found many persons taking liquor on the disputed land. The son-in-law of Mahendra Yadav had called them with a view to grab the land. When two persons, who were in inebriated conditions, were arrested, all the accused persons made all attempt to prevent the police from arresting any other persons and get the apprehended accused freed from the custody



of the police.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioners and the fact that petitioners and others acted in most irresponsible manner and illegally prevented the police from discharging their official duty and thereby also assaulted the police, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below, learned court below shall consider the prayer for regular bail of the petitioners on its own merit without being prejudiced from the order of this Court and taking into consideration the fact that similarly situated other accused persons have already been granted regular bail and dispose of the bail petition of the petitioners preferably on the same day.

(Prabhat Kumar Jha, J)

Saurabh/-

U		T	
---	--	---	--

