

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20512 of 2020

Arising Out of PS. Case No.-369 Year-2019 Thana- SIKARPUR District- West Champaran

1. SHAMBHU SAH Son of Sri Ganesh Sah Resident of Village - Bahuarwa Kala, P.S. - Shikarpur, District - West Champaran.
2. Harendra Mahto Son of Late Tilak Mahto Resident of Village - Bahuarwa Kala, P.S. - Shikarpur, District - West Champaran.
3. Awadhesh Srivastava @ Awadhesh Prasad Son of Late Suraj Prasad Srivastava Resident of Village - Bahuarwa Kala, P.S. - Shikarpur, District - West Champaran.
4. Arvind Kushwaha @ Arvind Prasad Kushwaha Son of Janardhan Kushwaha Resident of Village - Siswa, Bahuarwa Kala, P.S. - Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2020 The Court proceeding has been conducted through virtual mode.

Since the physical Court is not functional due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioners undertake to remove the defects within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defects within the undertaken period, the office will place the matter before the



bench.

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

The petitioners have renewed the prayer for bail in connection with a case registered for the offences punishable under Sections 147, 149, 353 and 188 of the Indian Penal Code.

The prosecution case as per the written report of Magistrate-cum-Block Panchayat Raj Officer, Narkatiyaganj, West Champaran submitted before the S.H.O., Shikarpur Police Station is to the effect that the on 29.08.2019, on the eve of Krishna Janmastmi a fair was arranged by the Ram Janki Mandir Trust. The procession was taken out on three tractors, but during returning, the accused persons changed the way of procession, which was objected by the administration. It is alleged that on the way, ten accused persons named in the FIR, blocked the road and obstructed the police personnel in discharging their official duties.

It is submitted by learned counsel for the petitioner that earlier prayer for bail of the petitioners were rejected by a co-ordinate bench of this Court vide order dated 22.01.2020, passed in Criminal Miscellaneous No. 80816 of 2019. The same was preferred by 10 applications, but prayer for bail on behalf of



the petitioners has been rejected since they were named in the FIR having criminal antecedent, but the said fact could not be mentioned in the earlier petition.

Learned APP for the State submits that earlier prayer for bail of the petitioner was rejected on merit.

Considering the fact that the ground on which the prayer for bail was rejected, this Court is not inclined to revise the earlier order.

Accordingly, the prayer for bail on behalf of the petitioners in connection with Shikarpur P.S. Case No. 369 of 2019, pending before the C.J.M., Bettiah, West Champaran, is rejected.

However, considering the fact that the accusation is omnibus and general, it is a case for consideration of prayer for regular bail, if the petitioners surrender before the learned Court below within a period of six weeks.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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