

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22982 of 2020

Arising Out of PS. Case No.-107 Year-2019 Thana- JADOPUR District- Gopalganj

1. MRITYUNJAY PRASAD @ MRITYUNJAY PRASAD SINGH Son of Deni Prasad @ Deni Prasad Singh Resident of Village- Jadopur Dukh Haran @ Yadavpur Dukhharan, P.S.- Yodopur, District- Gopalganj.
2. Ritesh Singh @ Ritesh Prasad Son of Ramesh Prasad @ Ramesh Singh Resident of Village- Jadopur Dukh Haran @ Yadavpur Dukhharan, P.S.- Yodopur, District- Gopalganj.
3. Rahul Kumar @ Rahul Sah Son of Asarfi Sah @ Asarfi Kumar Resident of Village- Jadopur Dukh Haran @ Yadavpur Dukhharan, P.S.- Yodopur, District- Gopalganj.
4. Sonu Kumar Son of Umesh Kumar Resident of Village- Jadopur Dukh Haran @ Yadavpur Dukhharan, P.S.- Yodopur, District- Gopalganj.
5. Vipin Padit @ Vipin Pandit @ Bipin Pandit Son of Jayshree Pandit @ Jayshree Padit Resident of Village- Jadopur Dukh Haran @ Yadavpur Dukhharan, P.S.- Yodopur, District- Gopalganj.
6. Kundan Kumar @ Kundan Mahto Son of Dinanath Mahto @ Dinanath Kumar Resident of Village- Jadopur Dukh Haran @ Yadavpur Dukhharan, P.S.- Yodopur, District- Gopalganj.
7. Satrudhan Yadav @ Shatrughan Yadav @ Shatrudhan Yadav @ Shatudhan Chaudhari Son of Nagendra Yadav @ Nagendra Chaudhari Resident of Village- Jadopur Dukh Haran @ Yadavpur Dukhharan, P.S.- Yodopur, District- Gopalganj.
8. Gauri Prasad @ Gaurishankar Prasad @ Gori Prasad Son of Bhichchu Prasad Resident of Village- Jadopur Dukh Haran @ Yadavpur Dukhharan, P.S.- Yodopur, District- Gopalganj.
9. Dheeraj Chauhan Son of Ramjas Chauhan Resident of Village- Jadopur Dukh Haran @ Yadavpur Dukhharan, P.S.- Yodopur, District- Gopalganj.
10. Rabi Kumar @ Ravi Kumar Son of Madan Prasad Resident of Village- Masanthaana @ Masan Thana, Bangri, P.S.- Yodopur, District- Gopalganj.
11. Vijay Padit @ Bijay Pandit @ Vijay Pandit Son of Babulaal Pandit Resident of Village- Masanthaana @ Masan Thana, Bangri, P.S.- Yodopur, District- Gopalganj.
12. Bulet Yadav Son of Gorakh Yadav Resident of Village- Masanthaana @ Masan Thana, Bangri, P.S.- Yodopur, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Amrendra Kumar, Advocate
For the Opposite Party/s : Dr. Rabindra Kumar, A.P.P.



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-09-2020 Heard Dr. Amrendra Kumar, learned counsel for the petitioners and Dr. Rabindra Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Yadopur P.S. Case No. 107 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 188, 353, 504, 506 of the Indian Penal Code and Section 3/4 of Bihar Control of the use and play of Loudspeaker Act, 1955.

The allegation as per the First Information Report is that in between 52 named accused persons including petitioners and 45-50 unknown persons, who were the members of the two different *Mahabiri Akharas*, there was free fight during course of procession on the issue of playing Loudspeaker and DJ.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case and there is no specific allegation against them. The allegation



against all the named accused persons, 52 in numbers, along with 40-50 unknown persons are general and omnibus in nature. Learned counsel further submits that the petitioners were spectators and have falsely been implicated in this case with malicious intention. Learned counsel further submits that similarly situated co-accused persons have been granted anticipatory bail by different co-ordinate Benches of this Court vide orders dated 29.02.2020 and 23.07.2020 passed in Cr. Misc. 3620 of 2020 and 19264 of 2020 respectively.

Having regard to the submissions made by the parties and taking into consideration the materials on record and also the fact that the allegation against the petitioners are general and omnibus in nature and similarly situated co-accused have been granted anticipatory bail by co-ordinate Benches of this Court, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand)



each with two sureties of the like amount each to the satisfaction of Shri P.A. Dwivedi, learned Judicial Magistrate, 1st Class, Gopalganj, in connection with Yadopur P.S. Case No. 107 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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