

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22615 of 2020**

Arising Out of PS. Case No.-325 Year-2019 Thana- BIRAUL District- Darbhanga

1. SHATRUDHAN MANDAL S/o Maniyar Mandal,
 2. Lalit Kumar Sahu S/o Jamun Sahu,
 3. Kaushal Kumar Choudhary S/o Shiv Shankar Choudhary,
 4. Dinbandhu Choudhary S/o Mohan Choudhary,
 5. Niraj Kumar Choudhary S/o Bahur Choudhary,
 6. Sanjay Mukhiya S/o Late Anand Mukhiya,
 7. Kamlesh Jha S/o Late Babu Narayan Jha,
 8. Anurag Ray S/o Balram Ray,
 9. Raushan Kumar Yadav @ Raushan Yadav S/o Vikan Yadav,
 10. Vivek Kumar Choudhary @ Vivek Choudhary S/o Manoj Choudhary,
 11. Hira Mishra S/o Nunu Mishra,
- Petitioners
- Versus
- The State of Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha
For the Opposite Party/s : Mr.Dilip Kr. No.1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 07-10-2020 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioners undertakes to
remove the defects as pointed out by the office within three weeks
of normal functioning of the court, failing which the office is



directed to place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 337, 352, 353, 307, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are amongst the 13 named accused and 200 unknown accused. In FIR the allegation against the mob of about 200 persons is that they were pelting stones on the police personnel, however, no specific allegation of commission of any overt act has been made against the petitioners and the petitioners have simply been identified as a member of the mob present there. The petitioners have got no criminal antecedent which is mentioned in para 3 of the bail petition. He further submits that similarly situated co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 23.07.2020 passed in Cr. Misc. No. 17456 of 2020.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances of the case, there is no specific allegation them, petitioners were identified throwing stones on the police personnel, since they have been identified only as a member of the mob present on the spot but no specific allegation is there against them, let the petitioners, above



named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Biraul, District-Darbhangha, in connection with Biraul P. S. Case No. 325 of 2019 Corresponding to G.R. No. 861/2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, subject to condition:

(i) a condition that the persons shall make themselves available for interrogation by a police officer as and when required;

(ii) a condition that the persons shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

(iii) a condition that the persons shall not have leave India without the previous permission of the Court.

(Anjani Kumar Sharan, J)

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