

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 22757 of 2020

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

1. RAM PRAKASH CHOUDHARY Son of Parmanand Choudhary Resident of Village- Pokharam, P.S.- Biraul, District- Darbhanga.
2. Subodh Choudhary @ Subodh Kumar Choudhary Son of Sudhir Choudhary Resident of Village- Pokharam, P.S.- Biraul, District- Darbhanga.
3. Shivam Kumar Choudhary Son of Subodh Choudhary Resident of Village- Pokharam, P.S.- Biraul, District- Darbhanga.
4. Tripurari Choudhary Son of Suresh Choudhary Resident of Village- Pokharam, P.S.- Biraul, District- Darbhanga.
5. Sudarshan Choudhary Son of Shiv Shankar Choudhary Choudhary Resident of Village- Pokharam, P.S.- Biraul, District- Darbhanga.
6. Ram Kalyan Choudhary Son of Kamlesh Choudhary Resident of Village- Pokharam, P.S.- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Pankaj Kumar Jha, Advocate
For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners and the



learned APP for the State.

Petitioners apprehend their arrest in connection with Biraul Police Station (for brevity, PS) Case No 325 of 2019 dated 18.12.2019 instituted for the offence punishable under Section (s) 147, 148, 149, 341, 323, 337, 352, 353, 307, 504, 506 of Indian Penal Code.

The First Information Report (for brevity, *FIR*) has been lodged by the Magistrate deputed for law and order maintenance. Some demonstration was being carried out by leader Kamlesh Rai along with several persons on State Highway 56. The assembly is alleged to have become unlawful and they have indulged in throwing stones etc. Police personnel had sustained injuries.

Learned counsel for the petitioners submits that the petitioners are amongst 30 named persons in the FIR and there are total 200 unknown accused persons. The FIR does not disclose any specific allegation against the petitioners. The other co-accused, who was also one of the 30 named FIR accused, namely, Avinash Chaudhary @ Avinash Kumar Choudhary has been allowed anticipatory bail by this Court in Cr Misc No 17456 of 2020. The petitioners are said to be men of clean antecedent and it is submitted that they have wrongly



been implicated in this case merely because they appeared in the video footage at the place.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Biraul, District - Darbhanga in connection with Biraul PS Case No 325 of 2019 correspondent to GR No 861 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on



each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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