

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.26751 of 2020

Arising Out of PS. Case No.-65 Year-2019 Thana- SUGAULI RAIL P.S. District- West
Champaran

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1. Sanjay Kumar Mishra @ Sanjay Mishra, S/o Harikant Mishra, Resident of Village- Banuchhapar, P.S.- Banuchhapar (O.P.), District-West Champaran.
 2. Manish Kumar Mishra, S/o Harikant Mishra, Resident of Village- Banuchhapar, P.S.- Banuchhapar (O.P.), District-West Champaran.
 3. Chandrakishore Jha, S/o Late Jaikrishna Jha, Resident of Village- Shreenagar, Ojha Tola, P.S.- Manuapul District-West Champaran.
 4. Sanjay Kumar Jha @ Sanjay Jha, S/o Chandrakishore Jha, Resident of Village- Shreenagar, Ojha Tola, P.S.- Manuapul, District-West Champaran.
 5. Vikash Kumar Jha, S/o Vipin Jha, Resident of Village- Sugaon, P.S.-Sugauli, District-East Champaran.
 6. Vikas Rai @ Vikash Kumar, S/o Ugam Thakur, Resident of Village- Jokaha, P.S.-Manuapul, District-West Champaran.
 7. Sujit Kumar Singh, S/o Late Chandrama Singh, Resident of Village- Harwatka Chowk, P.S.- Bettiah (Muffasil), District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-11-2020 Heard learned counsel for the petitioners and the
State.

The petitioners are apprehending arrest in connection
with Sugauli (Bettiah) Rail P.S. Case No. 65 of 2019 for the
offence under Sections 147, 148, 149, 353, 307, 384, 504, 506
of the Indian Penal Code, Sections 147, 154 of the Railway Act



and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that petitioner no.1 is the authorized agent of the contractor and he was authorized to unload the wreck on arrival of goods train carrying stone chips. He further submits that in the process to get the wreck unload, other petitioners were engaged. He further submits that in the process of unloading the wreck, the rival team encroached in loading and unloading, which lead to scuffle. He also submits that petitioners' side, who are the authorized agent, is legally entitled to get the wreck unload and anyone, who tried to interrupt the petitioners are aggressor and in exercise of right of private defence, if the petitioners have used force in proportionate to the danger involved, then their action cannot be termed as criminal act.

Considering the aforesaid submissions of the petitioners, the petitioners named above, in the event of arrest or surrender before the court below within one month from the date of communication of the order, are directed to be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees fifty thousand) each with two sureties of the like amount each to the satisfaction of Railway Magistrate, Bettiah, West Champaran in connection with Sugauli (Bettiah) Rail P.S. Case No. 65 of 2019



subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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