

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24169 of 2020

Arising Out of PS. Case No.-270 Year-2019 Thana- CHHATAPUR District- Supaul

1. Rajesh Mukhiya, Male, aged about 40 years, S/o Sri Lal Mukhiya, R/o- Ward No.13, Chhatapur, P.S.- Chhatapur, District- Supaul.
2. Braham Dev Mukhiya, aged about 34 years, S/o Late Yogendra Mukhiya, R/o Ward No.13, Chhatapur, P.S.- Chhatapur, Distt- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjay Kumar Singh, Advocate
For the State	:	Mr.Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-11-2020 Heard the parties through the virtual court proceeding.

The petitioners apprehend their arrest in connection with Chhatapur P.S. Case No. 270 of 2019 registered for the offences punishable under Sections 147, 148, 149, 152, 341, 323, 332, 333, 353, 431 and 307 of the Indian Penal Code.

The prosecution case in short is that one Raghaw Saran gave his fardbeyn on 08.10.2019 alleging therein that on 08.10.2019, he got an information that when Suresh Prasad went for investigation of Chhatarpur P.S. Case No.269 of 2019 and recovered BR PB06Xs7513 and started to proceed towards police station and reached near Santosh pan dukan then he saw that some people were gathered there and started abusing and assaulting the police and also attempted to stop them from



discharging their official duties and upon information, informant proceeded towards place of occurrence along with police personnel then he saw that some local people also tried to convince them but they did not allow to open the way even then police told them that blocking way by using unlawful assembly is a punishable offence even then they did not open the way. In the occurrence, 1. Santosh Kumar, 2. Rajesh Kumar, 3. Barhamdeo Mukhiya, 4. Umesh Mukhiya, 5. Vimala Devi, 6. Somani Devi, 7. Lal Mohan, 8. Md. Ajad and 30 to 40 unknown persons were present there and assaulted police parties by lathi and danda and also abused them.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that there is no specific allegation against the petitioners. Only general and omnibus allegation is against the petitioners. He further submits that the informant is police personnel and taking advantage of his post he has lodged a false and fabricated case against the petitioners. The occurrence has taken place on 08.10.2019 at 11 A.M. and F.I.R. has been lodged at 2.45 A.M. but has not stated anything with regard to delay of filing of the present F.I.R. He further submits that similarly situated co-accused has been granted bail vide order dated 28.02.2020



passed in Cr. Misc. No.8233 of 2020.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of A.C.J.M., Supaul in connection with Chhatapur P.S. Case No. 270 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C. as also subject to 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 in the trial and if he fails to do so on two consecutive dates, their bail will be liable to be cancelled.

(Anjani Kumar Sharan, J)

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