

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27849 of 2020

Arising Out of PS. Case No.-106 Year-2019 Thana- RAHIKA District- Madhubani

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1. BHOGENDRA SAH @ BHOGENDRA SAHU Son of Asharfi Sahu Resident of Village - Phuhari, Kharaua, P.S.- Rahika, District - Madhubani.
 2. Rambriksh @ Rambriksh Mahto Son of Ghuran Mahto Resident of Village - Phuhari, Kharaua, P.S.- Rahika, District - Madhubani.
 3. Mukesh Kumar Sah @ Mukesh Sah Son of Lalitesh Sah Resident of Village - Phuhari, Kharaua, P.S.- Rahika, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

On behalf of the petitioners, It has been submitted that the petitioner No.3 has been taken into judicial custody and he seeks permission to withdraw the application on his behalf.

Permission is accorded.



The application on behalf of petitioner No.3 is dismissed as withdrawn.

Heard learned counsel for the petitioners No.1 and 2 and learned APP for the State.

The petitioners No.1 and 2 are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 323, 504, 506, 332, 333, 337, 338, 188, 427, 353 of the Indian Penal Code.

Allegation is that the accused persons including the petitioners along with 400-500 unknown have involved in stone pelting on police and administration officials.

It has been submitted on behalf of the petitioners that the petitioners No.1 and 2 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners No.1 and 2. The petitioners No.1 and 2 have falsely been implicated in the present case. Altogether 400-500 persons are said to have been involved in stone pelting upon the local police. General and omnibus allegation has been made. No specific overt act is alleged against the petitioners No.1 and 2. The petitioners No.1 and 2 are said to be the members of unlawful assembly.

On behalf of the State, it is submitted that the



petitioners No.1 and 2 are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners No.1 and 2, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Madhubani in connection with Rahika P.S. case No.106 of 2019 corresponding to C.R.I. No.1571 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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