

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25344 of 2020

Arising out of PS. Case No.-812 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

1. Ram Das Pandit, aged about 58 years, Gender Male, S/o Late Bhola Pandit Resident of Village-Araji Sahwajpur, P.S.-Hajipur Sadar, District-Vaishali.
2. Lalit Paswan, aged about 52 years, Gender Male, S/o Late Dangar Paswan Resident of Village-Araji Sahwajpur, P.S.-Hajipur Sadar, District-Vaishali.
3. Dharmendra Paswan, aged about 38 years, Gender Male, S/o Bishwanath Paswan Resident of Village-Araji Sahwajpur, P.S.-Hajipur Sadar, District-Vaishali.
4. Mantu Paswan @ Mantu Kumar, aged about 28 years, Gender Male, S/o Dinesh Paswan Resident of Village-Araji Sahwajpur, P.S.-Hajipur Sadar, District-Vaishali.
5. Manjit Paswan, aged about 25 years, Gender Male, S/o Mahendra Paswan Resident of Village-Araji Sahwajpur, P.S.-Hajipur Sadar, District-Vaishali.
6. Bhola Pandey, aged about 38 years, Gender Male, S/o Late Triloki Pandey Resident of Village-Pandey Tola Sahwajpur @ Araji Sahwajpur, P.S.-Hajipur Sadar, District-Vaishali.
7. Sudesh Pandey @ Suresh Pandey, aged about 49 years, Gender Male, S/o Late Giraja Pandey Resident of Village-Pandey Tola Sahwajpur @ Araji Sahwajpur, P.S.-Hajipur Sadar, District-Vaishali.
8. Birendra Pandey, aged about 53 years, Gender Male, S/o Late Baiju Pandey Resident of Village-Pandey Tola Sahwajpur @ Araji Sahwajpur, P.S.-Hajipur Sadar, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad, Advocate
For the State	:	Mr.Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-10-2020

The matter has been heard *via* video conferencing
due to circumstances prevailing on account of the COVID-19
pandemic.

2. Heard Mr. Bhola Prasad, learned counsel for the



petitioners and Mr. Shailendra Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Hajipur Sadar PS Case No. 812 of 2019 dated 09.12.2019, instituted under Sections 147/148/149/341/323/504/353/354/337 of the Indian Penal Code and Section 37(c) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioners is that they and eleven others named and 100-150 unknown had blocked the public road protesting against the location of booth of PACS election and had also resorted to brick batting with the police when it had gone to clear the road. It has further been alleged that two persons were arrested and one was found intoxicated.

5. Learned counsel for the petitioners submitted that out of curiosity they may have been standing on the road but they have no role as neither any of them were candidates in the PACS election nor they were voters for such election. It was submitted that even in the FIR bald allegation has been made with regard to brick batting on the police but no injury has even been indicated. Learned counsel submitted that the petitioners have no criminal history and the Court may impose any



condition so that in future also they are careful and do not take part in any criminal activity.

6. Learned APP submitted that the petitioners have been named in the FIR and they have been identified and besides obstructing public road had indulged in brick batting with the police. However, he could not controvert that neither is there any specific overt-act alleged against any of the petitioners nor any injury is said to have occurred on the police personnel and the allegation is general and omnibus.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- II-cum- Excise Court, Vaishali at Hajipur in Hajipur Sadar PS Case No. 812 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further, (i) one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall



also give an undertaking to the Court that they shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

s.hassan/-

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