

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78781 of 2019

Arising Out of PS. Case No.-119 Year-2019 Thana- ASHOK PAPER MILL District-
Darbhanga

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Ramgopal Chaudhary @ Gopal Chaudhary (M), aged about 41 years, s/o
Sitaram Chudhary, R/o Village-Sahora, P.S.-Ashok Paper Mill, District
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Aprajita, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-09-2020

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

2. Heard Ms. Aprajita, learned counsel for the
petitioner and Dr. Indihar Kumari, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with
Ashok Paper Mill PS Case No. 119 of 2019 dated 27.08.2019,
instituted under Sections 323/341/353/506/504/34 of the Indian
Penal Code.

4. The allegation against the petitioner and five others
is of indulging in fighting among themselves due to forcible
uprooting of the wire and pillars which had been put on the



place of occurrence through the process of the Court on 30.06.2019 in Execution Case No. 1 of 2010 pending before the Sub Judge-I, Darbhanga.

5. Learned counsel for the petitioner submitted that he has been falsely implicated as he was not present at the spot. It was further submitted that only on the basis of allegation, his name has been inserted in the FIR as an accused. Learned counsel submitted that though the FIR mentions about the accused being brought to the police station, but the petitioner not being arrested itself shows that he was not present at the spot. It was submitted that other persons have been granted bail by the Court below. Learned counsel submitted that the petitioner has no criminal antecedent.

6. Learned APP, from the case diary, submitted that the petitioner was very much present at the spot and all the members of the police party who had gone there have taken the name of the petitioner to be one of the six persons who were involved in uprooting the pillars and wire put under the orders of the Court. It was submitted that though out of six the petitioner was not arrested, but it was because he had somehow managed to run away from the place, and when the police had gone to arrest him from his house, due to fear of arrest he had



run away from there also. Learned counsel submitted that all the members of the police party have taken the name of the petitioner and the allegation is that he was also uprooting the pillars and wire. Learned counsel submitted that the same having been put under the orders of the Court and being uprooted by the petitioner and others clearly indicates their total lack of respect for the law. Learned counsel submitted that the fact that the petitioner is running away from the law and not appearing before the Court is also an indication that he is not innocent.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties and in view of witnesses specifically stating that the petitioner was also one of the persons who had removed the pillars and wire, which were put under the orders of the Sub Judge-I, Darbhanga, in an execution case, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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