

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1068 of 2020

Arising Out of PS. Case No.-235 Year-2019 Thana- BARGAINIA District- Sitamarhi

1. TILAKDHARI DAS @ TILDHARI Son of Akbal Das Resident of Village - Patahi, P.S.- Bairgania, Distt - Sitamarhi.
2. Dhandhari Das @ Dhandhari Son of Jagnath Das Resident of Village - Patahi, P.S.- Bairgania, Distt - Sitamarhi.
3. Ramnarain Paswan @ Jado Paswan Son of Shiv Nandan Paswan Resident of Village - Patahi, P.S.- Bairgania, Distt - Sitamarhi.
4. Munna Paswan Son of Shiv Nandan Paswan Resident of Village - Patahi, P.S.- Bairgania, Distt - Sitamarhi.
5. Ramyash Paswan @ Mulajim Son of Shiv Nandan Paswan Resident of Village - Patahi, P.S.- Bairgania, Distt - Sitamarhi.
6. Nagendra Patel @ Nagendra Raut Son of Late Kewal Raut Resident of Village - Patahi, P.S.- Bairgania, Distt - Sitamarhi.
7. Lal Babu Paswan Son of Jageshwar Paswan Resident of Village - Patahi, P.S.- Bairgania, Distt - Sitamarhi.
8. Karanjit Paswan Son of Ramayan Paswan Resident of Village - Patahi, P.S.- Bairgania, Distt - Sitamarhi.
9. Kamlesh Paswan @ Amlesh Paswan @ Amresh Kumar Son of Ram Narain Paswan Resident of Village - Patahi, P.S.- Bairgania, Distt - Sitamarhi.
10. Kamod Mahto Son of Ganesh Mahto Resident of Village - Patahi, P.S.- Bairgania, Distt - Sitamarhi.
11. Awadhesh Singh @ Awadhesh Kumar Singh Son of Lakhindra Paswan Resident of Village - Patahi, P.S.- Bairgania, Distt - Sitamarhi.
12. Ram Bharosh Paswan @ Tuntun Paswan Son of Shiv Nandan Paswan Resident of Village - Patahi, P.S.- Bairgania, Distt - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 03-02-2020 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the state.



The petitioners seek pre-arrest bail in connection with Bairgania P.S. Case No. 235 of 2019, registered under Sections 147, 148, 149, 188, 333, 353, 335, 338, 323, 324, 307 and 504 of the Indian Penal Code and 3 of the Bihar Control of the Use of Play of Loudspeaker Act, 1955.

The accusation is that informant, Anil Kumar Sharma, being the Inspector of Police of Riga Circle, Sitamarhi, was deputed to discharge the duty at the occasion of Durga Puja. While he was on duty, then, received information to the effect that the procession of village Patahi is passing through village Baheri where Akash Kumar and Mukesh Kumar tried to outrage the modesty, due to that reason there is tension in villages Patahi and Baheri, thereafter, the informant, along with other police personnel, reached there, then, saw that in spite of prohibition in the procession, the D.J. (disk jockey) band was being played. In the procession of Patahi Durga Puja Committee Sugendra Paswan (President), Awadhesh Singh (Secretary) and Ajay Kumar (Cashier), along with 45 others named persons and 250-300 unknown persons, were present and also indulged in committing the marpeet through lathi and stick. While the police party tried to pacify the matter, but, brick-batting and stone pelting started.



Submission is that while the petitioners are named in the first information report, but, no overt act has been attributed against the petitioners. Further, submission is that the petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Bairgania P.S. Case No. 235 of 2019 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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