

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28075 of 2020

Arising Out of PS. Case No.-431 Year-2019 Thana- MOTIPUR District- Muzaffarpur

1. Arjun Rai @ Arjun Kumar Rai, aged about 30 years, Gender-Male, Son of Indradeo Rai, Resident of Village- Barjee, P.S.- Motipur, District- Muzaffarpur.
2. Sunil Rai @ Raushan Kumar Rai, aged about 23 years, Gender-Male, Son of Madan Ray, Resident of Village- Barjee, Police Station- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Pandey, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 22-01-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Sunil Kumar Pandey, learned counsel for the petitioners and Mr. Sanjay Kumar Sharma, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Motipur PS Case No. 431 of 2019 dated 06.10.2019, instituted under Sections 114/ 115/ 147/ 148/ 149/ 341/ 323/ 504/ 307/ 120B/ 353/ 385/ 387/ 34 of the Indian Penal Code.

4. The allegation against the petitioners, who are named in the FIR along with 32 named persons and 150



unnamed persons, is that they had assembled and blocked the road demanding compensation for the death of a 12 years old boy, who died in an accident, and had thrown brick-bats on the police also.

5. Learned counsel for the petitioners submitted that being villagers they had also gone to the spot but had not committed any overt act or any illegal activity and have been wrongly named in the FIR. It was submitted that the petitioners have no criminal antecedent. Learned counsel submitted that co-accused Gariban Ojha @ Dinesh Ojha @ Dinesh Kumar Ojha and Pintu Ojha @ Pintu Kumar have been granted anticipatory bail by a coordinate bench on 22.01.2020 in Cr. Misc. No. 4061 of 2020.

6. Learned APP submitted that the petitioners had formed an unlawful mob and had even attacked the police party.

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 S.D.J.M. (West), Muzaffarpur in Motipur PS Case



No. 431 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 bailors and petitioners shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall give an undertaking that they shall not indulge in any criminal/illegal/unlawful activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds.

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

9. However, this order shall be subject to learned counsel for the petitioners e fling the main application supported by affidavit today itself.

(Ahsanuddin Amanullah, J)

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