

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 28107 of 2020

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

1. Sunil Ojha @ Sunil Kumar Ojha, aged about 30 years, Gender-Male, Son of Harihar Ojha, Resident of Village- Barjee, P.S.- Motipur, District- Muzaffarpur.
2. Amrendra Ojha @ Amrendra Kumar, aged about 32 years, Gender-Male, Son of Yogendra Ojha, Resident of Village- Barjee, P.S.- 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. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 29-01-2021

Heard Mr. Sunil Kumar Pandey, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. 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.

3. The allegation against the petitioners, who are named in the FIR, along with other 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 also thrown brick-bats on the police.

4. 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 Arjun Rai @ Arjun Kumar Rai and Sunil Rai @ Raushan Kumar Rai, have been granted anticipatory bail by a coordinate bench on 22.01.2021 in Cr. Misc. No. 28075 of 2020.

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

6. 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 SDJM (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 and further, (i) that 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. 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.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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