

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31648 of 2020

Arising Out of PS. Case No.-384 Year-2019 Thana- BAIRIYA District- West Champaran

1. Umesh Kumar @ Umesh Sah, Gender- Male, aged about 34 years, son of Dhrup Sah,
2. Satyendra Sah, Gender- Male, aged about 32 years, son of Uttam Sah,
3. Sarem Sah, Gender-Male, aged about-45 years, son of late Ganesh Sah, All resident of village- Haat Saraiya, Police Station- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar No 7, Advocate
For the State	:	Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-02-2021

Heard Mr. Sanjay Kumar No.7, learned counsel for the petitioners and Mr. Shailendra Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Bairiya PS Case No.384 of 2019 dated 05.11.2019 instituted under Sections 147, 148, 149, 341, 323, 342, 307, 332, 333, 353, 427, 436, 504, 506 of the Indian Penal Code and 3/4 of the Prevention of Damage to Public Property Act, 1984.

3. The allegation against the petitioners, who are named along with 27 others and 100 unknown is that they were



part of the mob, which had burnt the house of a murder suspect and when the police came there, had surrounded the police vehicle and burnt it and were identified by the *Chaukidar*.

4. Learned counsel for the petitioners submitted that they are the local villagers and because of rivalry their names have been introduced. It was submitted that the petitioners have not indulged in any illegal activity and in such a large mob, the very identification is doubtful. Learned counsel submitted that no policeman has received any injury. It was submitted that the petitioners have no criminal antecedent.

5. Learned APP submitted that the petitioners were part of the mob, which burnt the police vehicle. However, he did not controvert that the allegations are general and omnibus.

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 Chief Judicial Magistrate, Bettiah, West Champaran, in Bairiya PS Case No.384 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 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 illegal/criminal activity, act in violation of any law/statutory provisions, 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.

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

(Ahsanuddin Amanullah, J)

J. Alam/-

AFR/NAFR	
U	
T	

