

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33493 of 2020

Arising Out of PS. Case No.-85 Year-2020 Thana- EKMA District- Saran

1. Muna Prasad Rastogi S/o Ram Narayan Rastogi Resident of Village-Parsa Uttari, P.S.-Ekma, Dist-Saran at Chapra.
2. Anil Prasad @ Anil Prasad Rastogi S/o Ram Narayan Rastogi Resident of Village-Parsa Uttari, P.S.-Ekma, Dist-Saran at Chapra.
3. Dhananjay Kumar S/o Late Sambhu Rastogi Resident of Village-Parsa Uttari, P.S.-Ekma, Dist-Saran at Chapra.
4. Sunil Kumar S/o Late Sambhu Rastogi Resident of Village-Parsa Uttari, P.S.-Ekma, Dist-Saran at Chapra.
5. Vivek Kumar, son of Munna Prasad Rastogi, Resident of Village-Parsa Uttari, P.S.-Ekma, Dist-Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 13-07-2021 Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Ekma P.S. Case No. 85 of 2020, registered under Sections 147, 148, 149, 452, 342, 323, 427, 504 and 506 of the Indian Penal Code, pending in the court of the learned A.C.J.M-I, Saran at Chapra.

The accusation is that five persons named in the F.I.R., including the petitioners, along with 300 unknown



variously armed with weapons, in intoxicated condition, entered in the *Math*, situated at Parsagadh, of informant Mahant Kamal Narayan Das and started to cause assault the monks of the *Math* and damaged the car, motorcycle and other materials. At that time, they also took Rs. Two lakh from the box and they also gave threatening for dire consequences. On raising alarm, the Police personnel came there and saved the informant. The cause of occurrence is that all the named accused wanted to grab the land of the *Math* and on protest they created nuisance.

Learned counsel appearing on behalf of petitioners submits that, in fact, some portion of land of *Math* was given by predecessor Mahant of the *Math* to the family of the petitioners, but the informant, who is the present Mahant, wanted to grab the said land due to that reasons only to give undue pressure, the informant lodged the present case.

The witnesses in paragraph Nos. 14 and 15 of the case diary also supported the prosecution case.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant pre-arrest bail to the petitioners. Accordingly, their prayer for grant of pre-arrest bail stands



rejected. The petitioners are directed to surrender before the trial Court within four weeks and pray for regular bail, which shall be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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