

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34669 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- SUGAULI District- East Champaran

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1. Parwez Alam @ Prawez, (M), aged about 27 years, Son of Dost Mohammad.
 2. Vikesh Kumar @ Vikesh Singh, (M), aged about 30 years, Son of Hari Shankar Singh.
 3. Dinanath Thakur, (M), aged about 23 years, Son of Brajesh Thakur.
 4. Pawan Singh, (M), aged about 34 years, Son of Ramvilash Singh.
 5. Bablu Alam @ Bablu, (M), aged about 20 years, Son of Yunoos Miyan.
 6. Golu Kumar, (M), aged about 21 years, Son of Harendra Bhagat.
 7. Md. Isha @ Ishuf Miyan, (M), aged about 57 years, Son of Sadik Miyan.
 8. Md. Estekhar, (M), aged about 33 years, Son of Md. Ismail Miyan.
 9. Md. Taz @ Imteyaj Alam, (M), aged about 27 years, Son of Ismail Miyan.

All are resident of Village- Bangara, P.S.- Sugaguli, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Senior Advocate with Mr. Rakesh Kumar No. 1, Advocate
For the State	:	Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Yogesh Chandra Verma, learned senior counsel along with Mr. Rakesh Kumar No. 1, learned counsel for the petitioners and Mr. Bal Mukund Prasad Sinha, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.



3. The petitioners apprehend arrest in connection with Sugauli PS Case No. 23 of 2020 dated 10.01.2020, instituted under Sections 147, 148, 149, 341, 342, 323, 324, 307, 332, 333, 188, 427, 353, 504, 506, 120-B of the Indian Penal Code and 3/4 of the Prevention of Damage to Public Property Act, 1984.

4. The allegation against the petitioners, who are named, along with three other persons and 100 unknown persons is of forming unlawful assembly, being variously armed and vandalizing the premises and causing damage to various equipment and vehicles of the sugar mill in question and also causing injury to few of the employees.

5. Learned counsel for the petitioners submitted that they have been falsely implicated in the case and the incident has been blown out of proportion. It was submitted that farmers, who were the cane growers, despite having given their sugarcane had not been paid and there was general discontent and resentment and to demand payment, they have gone, that too, collectively, but because of the noncooperative attitude of the management, the mob became reckless and some incident may have occurred, but the petitioners cannot be blamed for it as it was a mob. It was submitted that no specific overt act has



been alleged against the petitioners except for the fact that their names have been taken along with that of 13 other persons. Learned counsel submitted that out of 100 persons the identification being based on the statement of persons who have not been identified, itself is suspect and most importantly, the protest was for a cause which was vital to the very existence of the petitioners and their families, as money due to them were not being paid by the sugar mill for a long time. Learned counsel submitted that responsibility/liability for damage to equipment and other things, by a mob, as has been alleged, cannot be individually fastened on any person. Learned counsel submitted that the track record of the petitioners is clean and had they been of such nature, there would have been cases in the past also and they are small farmers who grow sugarcane only for supply to sugar mills and their livelihood is wholly dependent on the same. It was submitted that another glaring example of highhandedness is the fact that for the same incident Sugauli PS Case No. 22 of 2020 has also been instituted under similar sections which is an abuse of the process of the Court and proves the *mala fide* on the part of the sugar mill administration in collusion with the local police.

6. Learned APP, from the case diary, submitted that



witnesses have stated that the petitioners were also part of the mob which had vandalized the premises and damaged property. However, on specific query of the Court with regard to the identification, he submitted that they have been identified by the local persons but the name of the identifier has not been disclosed. On a further query of the Court with regard to whether there was any record of injuries, it was submitted that though injuries have been caused but the reports do not find place in the case diary, though four employees are said to have been sent to Primary Health Centre, Sugauli for treatment, and with regard to criminal antecedent, there is no specific report.

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 Chief Judicial Magistrate, Motihari in Sugauli PS Case No. 23 of 2020 (G.R. No. 376 of 2020), 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 and give undertaking with regard to good behaviour of the petitioners, and (iii) that the petitioners shall cooperate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or non-cooperation shall lead to cancellation of their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

9. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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