

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36537 of 2020

Arising Out of PS Case No.-235 Year-2019 Thana- BAIRGANIA District- Sitamarhi

1. Prahlad Das @ Prahlad Sah, (male), aged about 38 years, Son of Late Aas Narayan Shah, Resident of Village-Bahiri, PS-Bairgania, District-Sitamarhi.
2. Satyendra Das, (male), aged about 42 years, Son of Dharamdeo Das, Resident of Village-Bahiri, PS-Bairgania, District-Sitamarhi.
3. Ravindra Kumar @ Ravindra Sah (male), aged about 36 years, Son of Resident of Village-Patahi, PS-Bairgania, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
For the State	:	Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 29-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Pushpendra Kumar Singh, learned counsel for the petitioners and Dr. Kumar Uday Pratap, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. At the outset, learned counsel for the petitioners submitted that he may be permitted to withdraw the application on behalf of petitioner no. 3 namely, Ravindra Kumar @ Ravindra Sah, as he has been arrested.

4. In view thereof, as prayed for by learned counsel for the petitioners, the application on behalf of petitioner no. 3



namely, Ravindra Kumar @ Ravindra Sah, stands disposed off as withdrawn and is limited to petitioners no. 1 and 2 namely, Prahlad Das @ Prahlad Sah and Satyendra Das, respectively.

5. The petitioners no. 1 and 2 apprehend arrest in connection with Bairgania PS Case No. 235 of 2019 dated 12.10.2019, instituted under Sections 147, 148, 149, 188, 333, 353, 332, 338, 323, 324, 307 and 504 of the Indian Penal Code and 3 of the Bihar Control of the Use and Play of Loud- Speakers Act, 1955.

6. The allegation against the petitioners, who are among 50 named and 250-300 unknown persons, is that they were party to the skirmish between two groups with regard to immersion of idol and further that the mob had pelted brickbats causing injuries to the police personnel.

7. Learned counsel for the petitioners submitted that they have been named, but the same is with *mala fide* intention as it is not possible to identify 50 persons in a crowd of almost 350 persons, since the allegation is that there were 250-300 unknown persons also, which takes the total to 350 persons. Learned counsel submitted that the allegation itself is general and omnibus and further that six similarly situated co-accused have been granted anticipatory bail by a co-ordinate Bench by order dated



28.02.2020 in Cr. Misc. No. 6990 of 2020 and 11 others have also been granted anticipatory bail by a co-ordinate Bench by order dated 25.06.2020 in Cr. Misc. No. 11430 of 2020. It was further submitted that the petitioners have no criminal antecedent.

8. Learned APP submitted that the petitioners were part of the mob which has indulged in vandalism and has pelted brickbats causing injury to the police personnel.

9. 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 no. 1 namely, Prahlad Das @ Prahlad Sah and petitioner no. 2 namely, Satyendra Das 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, Sitamarhi in Bairgania PS Case No. 235 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 no. 1 and 2, (ii) that the petitioners no. 1 and 2 and the bailors shall execute bond with regard to good behaviour of the petitioners no. 1 and 2 and (iii) that the petitioners no. 1 and 2 shall also give an undertaking to the Court



that he 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 no. 1 and 2 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.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners no. 1 and 2, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners no. 1 and 2.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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