

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40871 of 2020

Arising Out of PS. Case No.-332 Year-2020 Thana- BAJPATI District- Sitamarhi

1. Vinay Mahto, Male, aged about 20 years, son of Jagdish Mahto,
2. Bhushan Kumar, Male, aged about 19 years, son of Pagla Thakur @ Umesh Thakur @ Umesh Sharma,
3. Govind Kumar, Male, aged about 19 years, son of Shivcharan Paswan,
4. Mithu Kumar, Male, aged about 21 years, son of Ramchandra Sah,
5. Babloo Chaudhary, Male, aged about 32 years, son of Nage Chaudhary, All resident of village- Muraul, PS- Bajpatti, District- Sitamarhi.
6. Chhathu Mahto @ Chhato Bhagat, Male, aged about 70 years (Pujari, Ram Janki Math Mandir), son of late Ram Saran Bhagat, resident of Village- Paharpur (Muraul), P.S- Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Madhubala Verma, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-07-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 13.07.2021, which was allowed.

3. Heard Ms. Madhubala Verma, learned counsel for the petitioners and Mr. Navin Kumar Pandey, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioners apprehend arrest in connection with



Bajpatti PS Case No. 332 of 2020 dated 16.08.2020, instituted under Sections 147, 148, 149, 341, 323, 333, 337, 324, 307, 353, 188 of the Indian Penal Code.

5. The allegation against the petitioners, who are named along with 17 others and 100-150 unknown persons, is that at the time of immersion of image of God Krishna, they were quarreling amongst themselves and they had also organized the same in violation of the COVID 19 guidelines promulgated by the government and when the informant, who is a Sub Inspector of Police, arrived with force at the place and tried to restore peace and order, the accused attacked the force by brick-bats, *lathi*, *danda* and sword and prevented them from discharging their official duty which also resulted in injuries to the police personnel in which two accused persons were arrested at the spot.

6. Learned counsel for the petitioners submitted that they have been falsely implicated as they were not doing any overt act and has been named with ulterior motive by the *Chukidaar*. It was submitted that even as per the FIR, a large mob was there and the three police personnel, who have been injured, have received simple injury. It was submitted that the petitioners have no other criminal antecedent. Learned counsel



submitted that co-accused Ismail Nadaf @ Md. Ismail, Md. Anwarul @ Md. Anwar, Md. Kashif @ Kashif Hussain and Md. Mahboob @ Mahfooj Shafi have been granted anticipatory bail by a coordinate Bench by order dated 22.06.2021 passed in Cr. Misc. No. 40722 of 2020.

7. Learned APP submitted that the petitioners have been identified by the *Chaukidar* and have been named in the FIR.

8. 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 Sub Divisional Judicial Magistrate, Pupri, Sitamarhi, in Bajpatti PS Case No. 332 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 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.

9. 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.

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

(Ahsanuddin Amanullah, J)

J. Alam/-

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