

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1149 of 2021

Arising Out of PS. Case No.-54 Year-2019 Thana- AZIMABAD District- Bhojpur

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1. CHANDAN KUMAR, S/O LATE JAI PRAKASH SINGH R/O VILL BADGOL, P.S-AGIMABAD, DISTRICT-BHOJPUR.
 2. RANA KUMAR, S/O SUNIL SINGH R/O VILLAGE-BADGOL, P.S.-AGIMABAD, DISTRICT-BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 11-08-2021 Heard Mr. Ajay Kumar Singh, learned advocate

for the petitioners and Mr. Arvind Kumar Pandey,

learned APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Agimabad P. S. Case No. 54

of 2019, dated 20.08.2019, instituted for the offences

under Sections 147, 148, 149, 323, 307, 188, 353 and



504 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

It has been alleged in the F.I.R. which has been lodged by the concerned Block Development Officer that death anniversary of a Male Party Activist was being organized on 20.08.2019. On the same day, death anniversary of the father of petitioner no. 1 also was to be solemnized. Sensing some danger, the district administration promulgated Section 144 Cr.P.C. in the area.

Breaching the aforesaid curfew, the members belonging to both the groups assembled and created disturbance for everyone. People in large number were present. When the police arrived, the petitioners are said to have opened fire.

Hence, the prosecution case.

The learned advocate for the petitioners has submitted that an absolutely false case has been lodged against them. In fact, the participants of the death



anniversary of Male activist were very aggressive and in fact they had resorted to firing against the police party because they were attempted to be dispersed.

So far as the petitioners are concerned, though they are alleged to have opened fire but nobody is said to have been injured in the occurrence.

The petitioners even deny that they were present at the place of occurrence.

Regard being had to the afore-stated facts and taking into account the clean antecedents of the petitioners, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Agimabad P. S. Case No. 54 of 2019, subject to the conditions as



laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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