

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40595 of 2020

Arising Out of PS. Case No.-109 Year-2020 Thana- MOTIPUR District- Muzaffarpur

1. GUDDU SAHANI @ SHIV KUMAR S/o Rishidev Sahani R/o village- Mahamadpur Balmi (Old Bazar), P.S.- Motipur, District- Muzaffarpur
2. Satish Kumar S/o Umed Rai R/o village- Mahamadpur Balmi (Old Bazar), P.S.- Motipur, District- Muzaffarpur
3. Sandeep Kumar S/o Sanjay Rai @ Sanjay Kumar Yadav R/o village- Mahamadpur Balmi (Old Bazar), P.S.- Motipur, District- Muzaffarpur
4. Mithilesh Kumar S/o Musaffir Rai R/o village- Mahamadpur Balmi (Old Bazar), P.S.- Motipur, District- Muzaffarpur
5. Sujit Kumar @ Suchit Kumar S/o Satan Rai R/o village- Mahamadpur Balmi (Old Bazar), P.S.- Motipur, District- Muzaffarpur

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi
For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 27-07-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 26.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application filed on behalf of the petitioner No. 5, namely, Sujit Kumar @ Suchit Kumar as he has been died.

In view of the above, the application filed on behalf of



the petitioner No. 5, namely, **Sujit Kumar @ Suchit Kumar** is dismissed as withdrawn.

Heard learned counsel for the petitioner Nos. 1 to 4 and the learned A.P.P. for the State through video conferencing.

The petitioner Nos. 1 to 4 apprehend their arrest in connection with Motipur P.S. Case no. 109 of 2020, registered under Sections 188, 269, 290, 341, 323, 353, 307 and 504/34 of the Indian Penal Code.

The accusation is that on 18.05.2020, informant Jitendra Kumar along with other Police personnel proceeded to Jivachh College, where quarantine centre was prepared by the Government, to maintain law and order. When they reached near the college then saw 12-15 persons present there without wearing mask and one person, who was in short height, told that quarantine centre will not be permitted to run in Jivachh Gollege because due to quarantine centre administration used to visit there and they are feeling uncomfortable in doing the liquor business. Thereafter, informant and other Police personnel tried to convince them to cover the face by mask, but they become annoyed and started to abuse. When informant tried to contact the Police Station on mobile then the short height boy asked to kill. Thereafter, all started to cause assault



through Lathi, stick and also by pelting stone, anyhow, the informant and other Police personnel saved themselves. At that time they also damaged Bolero vehicle bearing registration No. BR055-0134. On inquiry, the informant came to know the name of short height person is Rajnish Kumar @ Tony Rai and his other associate names are Guddu Shani @ Shiv Kumar (Petitioner No.1), Satish Kumar (Petitioner No.2), Sandeep Kumar (Petitioner No.3), Mithilesh Kumar (Petitioner No.4), Shiv Shankar Kumar and Suchit Kumar.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that informant, who is Police personnel, has not disclosed the source of identification of petitioner Nos. 1 to 4. The petitioner Nos. 1 to 4 are residents of village-Mahamadpur Balmi, where Jivachh College is situated and all have been implicated in this case without showing any overt act. The petitioner Nos. 1 to 4 have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner Nos. 1 to 4 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like



amount each to the satisfaction of learned S.D.J.M, Muzaffarpur (West) in connection with Motipur P.S. Case No. 109 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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