

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3693 of 2021

Arising Out of PS. Case No.-99 Year-2020 Thana- BHAGWANPUR District- Vaishali

1. SURESH RAM Son of Kishuni Ram @ Kishnu Ram Resident of Bhagwanpur, P.S.- Bhagwanpur, District - Vaishali.
2. Annu Devi @ Annu Devi Wife of Suresh Ram Resident of Bhagwanpur, P.S.- Bhagwanpur, District - Vaishali.
3. Rahul Kumar Son of Suresh Ram Resident of Bhagwanpur, P.S.- Bhagwanpur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh- Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-09-2021 Heard Mr. Mukesh Kumar Singh, the learned Advocate for the petitioners and Mr. Parmeshwar Mehta, the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Bhagwanpur P. S. Case No.99 of 2020, instituted for the offences under Sections 147, 148, 149, 323, 341, 342, 307, 353, 332, 333, 504 of the Indian Penal Code and Section 27 of the Arms Act. Later on, Sections 188, 269 and 270 of the I.P.C. was added.

It has been alleged in the F.I.R. that the petitioner nos.1 and 2 were leading the mob of males and females



respectively and had surrounded the house of one Sanjeev Kumar and two others. An effort was made by the petitioners and the crowd which had collected to set the house of Sanjeev Kumar on fire. When the police party arrived, the mob pelted bricks and stones on them. There is another case lodged by one Ranju Devi against the petitioners and three others vide Bhagwanpur P. S. Case No.100 of 2020.

It has been submitted on behalf of the petitioners that the two F.I.Rs. namely the subject F.I.R. as well as Bhagwanpur P. S. Case No.100 of 2020 arise out of the same occurrence and therefore because of inadvertence, it has been omitted to be stated in Para-3 of the bail petition that the petitioners are accused in another case as well. It has been submitted on behalf of the petitioners that the whole occurrence had taken place because of filthy message sent by the sister-in-law of the informant of Bhagwanpur P. S. Case No.100 of 2020 to petitioner no.3. Petitioner no.2 is the wife of petitioner no.1 whereas petitioner no.3 is the son of petitioner nos.1 and 2. The accusation in the F.I.R. is highly exaggerated as with the afore-noted narration of events, it appears to be absolutely unreasonable that nobody was hurt in the occurrence. There is no report of anybody having been injured in any manner



whatsoever. There appears to be a back clash because of indecent behaviour of some of the persons of the locality which had resulted in this kind of a clash. There does not appear to be any pre-meditation but the entire occurrence was self-motivated because of a trivia.

Regard being had to the nature of accusation and the facts stated above, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Vaishali at Hajipur in connection with Bhagwanpur P. S. Case No.99 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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