

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6315 of 2021

Arising Out of PS. Case No.-197 Year-2020 Thana- DAUDNAGAR District- Aurangabad

1. Vishal Kumar, aged about 19 years (Male), S/O- Lala Paswan, resident of village- Qurban Bigha Tarari, P.S- Daudnagar, Dist- Aurangabad.
2. Vikash Kumar, aged about 21 years (Male), S/O- Lala Paswan, resident of village- Qurban Bigha Tarari, P.S- Daudnagar, Dist- Aurangabad.
3. Jineshar Choudhary @ Munna Choudhary Lakman Choudhary, aged about 32 years (Male), Son of Laxman Choudhary, resident of village- Ambedkar Nagar Tarari, P.S- Daudnagar, Dist- Aurangabad.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Vishwa Ranjan Choudhary, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-08-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application filed on behalf of petitioner no. 3, namely, Jineshar Choudhary @ Munna Choudhary, as he has been taken into judicial custody in connection with Daudnagar P.S. Case No. 197 of 2020, pending in the court of learned S.D.J.M. Aurangabad.



Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner no. 3, namely, Jineshar Choudhary @ Munna Choudhary, is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 1 and 2 and learned A.P.P. for the State through Virtual mode.

Now, the petitioner nos. 1 and 2 are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 307, 337, 338, 153, 353, 332, 283, 269, 270, 188, 504 of the I.P.C. and 3 of the Epidemic Act, 1897.

The prosecution story, in brief, is that on 13.07.2020, the informant got information that NH-139 near the village-Tarari was blocked by the villagers having kept two dead bodies, as they made accident in Arwal Police Station. They were demanding compensation. The informant alongwith police force reached the place of occurrence and found that about 100-125 people including the petitioners made the road blocked. On request, they become more furious and started to abuse, attacked on the police with bricks which caused injury to some police personnels.

It has been submitted by learned counsel for the petitioner nos. 1 and 2 that they have got no criminal



antecedent. There is no allegation of tampering with the witnesses alleged against them. They have falsely been implicated in the present case. There is no allegation of assault alleged against them. General and omnibus allegation has been made against them. No specific overt act is alleged against them. 30 named persons alongwith 100-115 unknown have been made accused in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner nos. 1 and 2 are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner nos. 1 and 2 above named, (except petitioner no. 3, namely, Jineshar Choudhary @ Munna Choudhary) in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned S.D.J.M., Aurangabad, in connection with Daudnagar P.S. Case No. 197 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner nos. 1 and 2 shall furnish bail bonds of Rs. 10,000/-(Rupees Ten



Thousand) each only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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