

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19097 of 2021

Arising Out of PS. Case No.-303 Year-2020 Thana- SHERGHATI District- Gaya

1. SHYAM SUNDAR DEVI, W/o Suresh Paswan Resident of Village - Jamunaiya, P.S.- Dobhi, Distt.- Gaya.
2. Suresh Paswan Son of Late Mahadev Paswan Resident of Village - Jamunaiya, P.S.- Dobhi, Distt.- Gaya.
3. Satendra Paswan @ Satyendra Paswan Son of Suresh Paswan Resident of Village - Jamunaiya, P.S.- Dobhi, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.
For the Opposite Party/s : Mr. Kanhaiya Kishore. APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-01-2022 Heard Mr. Sanjeev Kumar, learned Advocate for the petitioners and Mr. Kanhaiya Kishore, learned Additional Public Prosecutor for the State.

The petitioners seek bail in anticipation of their arrest in connection with Sherghati (Dobhi) P. S. Case No. 303 of 2020 instituted for the offences under Sections 147, 149, 341, 323, 504, 506, 224, 225, 332, 333, 307 and 379 of the Indian Penal Code.

The S.I. of police cum S.H.O., Dobhi Police Station has alleged in the F.I.R. that at the time of arrest of one Ravindra @ Munna, a noted criminal of the area, the police



party faced a lot of opposition from the villagers and the family members of aforesaid Ravindra @ Munna. The police party was attacked by stones and brickbats leading to some of them getting seriously injured. With the help of three chaukidars and some local persons, 19 accused persons could be identified who have been arraigned as accused persons in this case. Those include the petitioners also.

The learned counsel for the petitioners has submitted that the petitioner nos. 1 and 2 are the parents of aforesaid Ravindra @ Munna whereas petitioner no.3 is his brother.

It has been submitted that because of the wayward ways of Ravindra @ Munna, there had been a partition in the family and the petitioners have maintained no relation with him.

It has further been submitted that because of the fear of aforesaid Ravindra @ Munna, the petitioner nos. 1 and 2 with the help of their other sons including petitioner no.3 are residing at a different place in Dobhi under the Dobhi Police Station.

It has further been submitted alternatively that assuming but not admitting the accusation to be correct, it is quite natural that there would be some protest by the family members or of the villagers at the time of arrest of any person. Amongst 19 persons who could be identified and made accused



in this case, the petitioners have been chosen to be named only because of their relationship with Ravindra @ Munna.

There is no specific role attributed to the petitioners except for their being members of the mob which had collected at the time of the police effecting arrest. Unfortunately, Ravindra @ Munna could escape the dragnet of the police.

Learned counsel for the petitioners, therefore, has submitted that under the aforesaid circumstances, the petitioners who are elderly parents and brother respectively of Ravindra @ Munna cannot be saddled with a criminal case. Several persons who have been named in the F.I.R. and who have otherwise been made accused in this case have been granted anticipatory bail by a different Bench of this Court.

Regard being had to the general nature of accusation against the petitioners and the background facts which have been indicated above, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four 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 ACJM, Sherghati, Gaya in connection with Sherghati



(Dobhi) P. S. Case No. 303 of 2020, subject to the condition as
laid down under Section 438 (2) Cr. P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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