

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13089 of 2022**

Arising Out of PS. Case No.-299 Year-2021 Thana- Chhauradano District- East Champaran

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1. Sonu Kumar @ Sonu Kumar (mukhiya) @ Sonu Kumar Mukhiya Son of Late Dhruv Prasad Resident of Village- Juwafar, P.S.- Chhauradano, District- East Champaran.
2. Pappu Paswan Son of Jangveer Paswan Resident of Village- Juwafar, P.S.- Chhauradano, District- East Champaran.
3. Md. Mustafa S/o Nek Mohammad Resident of Village- Juwafar, P.S.- Chhauradano, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shashi Bhushan Pandey, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      10-08-2022                      Let the defect, if any, be removed within two weeks  
from today.

Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

The petitioners seek regular bail in connection with  
Chhauradano P.S. Case No. 299 of 2021 lodged under Sections  
147, 148, 149, 341, 323, 326, 307, 332, 333, 353, 379, 337, 338,  
290, 427, 171-C, 171-H of the I.P.C. and 126 of RP Act.

As per the prosecution case, the allegation in the  
F.I.R. is that on 14.11.2021 at about 03:30 pm, the present  
petitioner who was candidate of Mukhiya in the Panchayat

Election which is to be conducted on 15.11.2021 gathered with 300 male and female persons who were sitting at his door. The allegation of feeding and distribution of money are alleged in the F.I.R. It has been alleged that the petitioner had blocked the road by his Scorpio vehicle in result the movement of Administration and Police Officials were stopped. Upon query from the Police Officials that such conduct is violation of Rules of Election then on the instance of the petitioner, the persons gathered started throwing the stones upon the police party. They also used lathi, danda, knife, sword, and sickle, bricks, etc. Police has lodged F.I.R. in this case against 46 name and 256 unknown male and females. Present petitioner is accused no. 1 in the F.I.R.

Learned counsel for the petitioners submits that there are 3 named accused persons in the present petition. Petitioner No. 1 is the Mukhiya and rest 2 persons are their followers. Learned counsel for the petitioners submits that there is nothing specific alleged against the petitioners in the F.I.R. He further submits that petitioner no. 1 was the candidate for Mukhiya and his supporters had visited to his house in their support. He also submits that on the previous occasion, the Court has called the case diary to see the injuries alleged to be made upon the police

party.

He further submits that petitioners are in custody since 16.11.2021, charge sheet has already been filed in this case. He further submits that the criminal antecedent of the petitioner is not clean, there are in total 19 criminal cases pending against the petitioner. He submits that out of 19 cases, in 6 case he was acquitted. He submits that petitioners are law abiding citizens and they have every respect for law and it is due to this reason he has taken bail in all cases pending against him. He further submits that he is a popular person and due to his popularity, different types of cases are used to be filed against him. Some by his opponent and some cases on the instigation of the opponents. He further submits that he is ready to fulfill all the conditions whatsoever it may be imposed by the Court.

Learned counsel for the State opposes the prayer for bail. Learned counsel submits that the criminal antecedent of the petitioner indicates that he is a notorious person of his locality and, therefore, bail may not be granted to him. Upon query that whether he has taken bail in the pending cases or not. Learned counsel submits that as per the statement made in para 3 itself it transpires that in these cases, acquittal has taken place and in rest cases he is on bail. On the specific question from the Court

that what type of injury the police party suffered, learned counsel submits that the injury report available on the case diary indicates that all the injuries are simple in nature. He also admits that there is nothing specific in the F.I.R. and a general and omnibus allegation has been made against 46 names and 255 unknown male and females by the police.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Chhauradano P.S. Case No. 299 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

**(Dr. Anshuman, J.)**

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Item No. 11

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