

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22710 of 2022

Arising Out of PS. Case No.-400 Year-2021 Thana- MOTIPUR District- Muzaffarpur

1. SURENDRA SAH S/o Bhola Sah Resident of Village- Brahmpura, P.S.- Motipur, District- Muzaffarpur.
2. RAHUL @ RAHUL KUMAR S/o Nagendra Sah Resident of Village- Brahmpura, P.S.- Motipur, District- Muzaffarpur.
3. BHOLA SAH S/o Late Dasai Sah Resident of Village- Brahmpura, P.S.- Motipur, District- Muzaffarpur.
4. UMA KUMAR SAH @ UMA SHANKAR SAH S/o Late Jagannath Sah Resident of Village- Brahmpura, P.S.- Motipur, District- Muzaffarpur.
5. NAND KISHORE SAH @ NANDU SAH S/o Vishun Dayal Sah Resident of Village- Brahmpura, P.S.- Motipur, District- Muzaffarpur.
6. PRAHLAD SAH S/o Tapeswar Sah Resident of Village- Brahmpura, P.S.- Motipur, District- Muzaffarpur.
7. BALA CHOUBEY @ BALA KUMAR CHOUBEY S/o Rajan Upadhaya Resident of Village- Brahmpura, P.S.- Motipur, District- Muzaffarpur.
8. MAUJE LAL SAH S/o Late Julum Sah @ Gulam Sah Resident of Village- Brahmpura, P.S.- Motipur, District- Muzaffarpur.
9. OM PRAKASH SAH S/o Late Mahendra Sah Resident of Village- Brahmpura, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha, Advocate
For the Opposite Party/s : Mr. Bisheshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-05-2022 Heard learned counsel for the petitioners and the

State through virtual mode.

Learned counsel for the petitioners is directed to

remove the defect(s), as pointed out by the office, within a

period of four weeks.



The petitioners are apprehending their arrest in Motipur P.S. Case No. 400 of 2021 registered for the offence under Sections 341, 323, 504, 506, 353, 427 and 120(B) of the Indian Penal Code.

Prosecution case in short is that a dispute arose between two private parties in village Brahmpura and the police reached there to pacify the matter. It is further alleged that on the instigation of co-accused Alok Kumar Upadhyay, the unruly mob attacked the police party, due to which, the police van got damaged and the informant was manhandled by co-accused Alok Kumar Upadhyay.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. A scuffle is said to have taken place between two private parties. The police was trying to resolve the issue. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Altogether 15 named persons along with 15-20 unknown persons have been made accused in the present case.

On behalf of the State, it is submitted that the petitioners



are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, 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 furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, West, Muzaffarpur in connection with Motipur P.S. Case No. 400 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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