

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29273 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- HATHAURI District- Muzaffarpur

1. SHASHIBHUSHAN SHARMA @ CHULBUL SON OF VIJAY SHARMA R/O- VILL- NARMA, P.S.- HATHAURI, DIST.- MUZAFFARPUR
2. JAGDISH MAHTO SON OF SARYUG MAHTO R/O- VILL- NARMA, P.S.- HATHAURI, DIST.- MUZAFFARPUR
3. RAMSAKAL MANDAL SON OF UPENDRA PASWAN R/O- VILL- NARMA, P.S.- HATHAURI, DIST.- MUZAFFARPUR
4. RAMPRATAP MAHTO SON OF RAMLAGAN MAHTO R/O- VILL- NARMA, P.S.- HATHAURI, DIST.- MUZAFFARPUR
5. BABLOO THAKUR SON OF NARENDRA THAKUR R/O- VILL- NARMA, P.S.- HATHAURI, DIST.- MUZAFFARPUR
6. RAUSHAN SINGH SON OF SUDHIR SINGH R/O- VILL- NARMA, P.S.- HATHAURI, DIST.- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 17-09-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

At the outset, learned counsel for the petitioners has submitted that during the pendency of this anticipatory bail application, petitioner nos. 1 and 3 have been arrested and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw this application as against petitioner



nos. 1 and 3.

In view of the aforesaid submission, the application is **dismissed as withdrawn as having become infructuous as against petitioner nos. 1 and 3.**

Petitioner nos. 2, 4, 5 and 6 apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 307, 332, 336, 353, 427 and 504 of the Indian Penal Code, registered in connection with Hathauri P.S.Case No. 28 of 2022.

As per allegation, the police arrested one Manish Kumar with liquor and in the evening his family members along with 40-50 persons came there and they got co-accused Manish Kumar rescued from the police custody. They also created chaos and pelted stones, as a result of which some police personnel became injured.

Learned counsel for the petitioners has submitted that petitioners are innocent. Their names have figured on the basis of statement of *chaukidar* and they are the persons of clean antecedent.

Considering the above facts and circumstances, especially the clean antecedent of the petitioners, let petitioner nos. 2, 4, 5 and 6, above-named, in the event of their arrest or surrender within four weeks from the date of communication of



this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur (East) in connection with Hathauri P.S.Case No. 28 of 2022, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all the defects are removed by the petitioners within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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