

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10919 of 2023

Arising Out of PS. Case No.-114 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

1. Raju Ram Son Of Suresh Ram R/O Village- Jhajhwa, P.S.- Sidhwalia, District- Gopalganj
2. Ajay Kumar @ Ajay Ram @ Ajay Kumar Ram Son Of Bhagwan Ram R/O Village- Jhajhwa, P.S.- Sidhwalia, District- Gopalganj
3. Govinda Ram @ Govinda Son Of Bhagwan Ram R/O Village- Jhajhwa, P.S.- Sidhwalia, District- Gopalganj
4. Bharat Kumar @ Bharat Ram Son Of Muni Ram @ Munni Ram R/O Village- Jhajhwa, P.S.- Sidhwalia, District- Gopalganj
5. Muni Ram @ Munni Ram Son Of Late Ramjit Ram R/O Village- Jhajhwa, P.S.- Sidhwalia, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mani Bhushan Kumar Singh
		Mr.Binod Kumar Sinha
For the Opposite Party/s	:	Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-06-2023 At the outset counsel for petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner nos. 1 and 5, as during pendency of this case, petitioner nos. 1 and 5 have already been arrested.

Permission is accorded. The anticipatory bail application with respect to petitioner nos. 1 and 5 is dismissed as withdrawn having become infructuous.

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



The petitioner nos. 2, 3 and 4 apprehend their arrest in a case registered for the offences punishable under Sections 307, 323, 353 and other allied sections of the Indian Penal Code.

As per the prosecution case, on 17.05.2022 at 9.45 during patrolling duty, the informant got information that a motorcycle crashed in which one person died on the spot. On getting such information, the informant along with other police officials reached at the place of occurrence and they found that one person sustained injury, a girl died and one child has minor injury. The informant sent them to Sadar Hospital, Gopalganj, but the Chowkidars informed that all the FIR named accused persons including petitioners and 25-30 unknown persons forcibly took the dead body of the girl in their possession by pulling the Chowkidars from the vehicle and blocked NH-27. On information, the SHO along with other police officials arrived there then accused persons started raising slogans and also obstructed the police officials in discharge of their official duty.

It is submitted that there is general and omnibus allegation and no specific overt act has been alleged against the petitioners. Petitioners have been made accused in this case only on suspicion. The injury sustained by the injured has been found



simple in nature. Petitioners are only members of the mob and claim clean antecedents.

Considering the facts aforesaid, the Ajay Kumar @ Ajay Ram @ Ajay Kumar Ram petitioner no. 2, Govinda Ram @ Govinda petitioner no. 3 and Bharat Kumar @ Bharat Ram petitioner no. 4 above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 the learned Additional Chief Judicial Magistrate VII, Gopalganj in connection with Mohammadpur P.S. Case No. 114 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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