

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13831 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- KUMAR KHAND District- Madhepura

1. Arun Kumar S/O Kari Das R/O Village- Chharrapatti, P.S- Kumarkhand, District- Madhepura
2. Panchu Das S/O Sundar Das @ Sunar Das R/O Village- Chharrapatti, P.S- Kumarkhand, District- Madhepura
3. Lakhendra Das @ Jakhendra Das S/O Laxman Das R/O Village- Chharrapatti, P.S- Kumarkhand, District- Madhepura
4. Arjun Das S/O Late Fulo Das R/O Village- Chharrapatti, P.S- Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupesh Kumar, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Kumarkhand P.S. Case No. 92 of 2020, dated 10.03.2022, registered for the offence punishable under Sections 147, 149, 353, 504 and 290 of the Indian Penal Code.

As per allegation in the FIR, 14 named and 20 to 25 unknown persons have resorted to jamming of State Highway No. 91 along with dead body of one Shankar das who had met with an accident. For obstructing traffic and official discharge of duty by the police personnel, who had come to clear the jam, the



FIR has been lodged. The petitioners are one amongst the named persons.

The learned counsel for the petitioners submits that against the petitioners, there is no allegation of any assault upon any official. They are having no antecedents and have been made accused because they were present at time and place of occurrence, where they had gone just to witness the events. The learned counsel for the petitioners also places reliance on anticipatory bail granted to similarly situated co-accused persons vide order date 10.01.2023 passed in Cr. Misc. No. 40280 of 2022, which is annexed as Annexure- 2 to the bail application.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, clean antecedents as also the claim based on parity, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a



period of four weeks from today, 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 the learned A.C.J.M- II, Madhepura, in connection with Kumarkhand P.S. Case No. 92 of 2020, dated 10.03.2022, dated 16.07.2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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