

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17791 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- MAHESI District- East Champaran

1. AMIT KUMAR @ AMIT KUMAR SINGH
2. Vishal Kumar Singh @ Kunal Kumar Singh @ Kunal Kumar
both are Sons of Bipin Singh @ Jitendra Singh
3. Avinash Kumar Singh @ Avnineesh Kumar singh son of Ravindra Kumar
Singh
4. Umrawati Devi @ Umlawti Devi Wife of Harendra Singh
5. Meena Devi Wife of Ravindra Kumar Singh
6. Ganita Devi Wife of Upendra Kumar singh, all are R/V- Ram Purva, PS-
Mehsi Dist- East Champaran Motihari
7. Menu Kumar @ Prabhat Kumar @ Monu Kumar Son of Rakesh Kumar
Singh
8. Prakash Kumar Son of Rakesh Kumar Singh, petitioner no.7 and 8 R/V-
Brahmpura P.s- Paru Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection
with Mehsi P.S. Case No.07 of 2023 instituted under Sections
147, 224, 225, 341, 342, 323, 337, 353, 307 and 427 of the IPC
lodged on 16.01.2023 by the informant Sunil Kumar Singh.

As per the prosecution story, the informant along with
police party proceeded to the house of accused persons to arrest



Vipin Singh @ Jitendra Singh and Bittu Kumar in connection with criminal cases pending against him. When the informant reached the house of accused persons, all the F.I.R. named accused persons including these petitioners started scuffling with the police party and assaulted them as also facilitated escape of Vipin Singh @ Jitendra Singh and Bittu Kumar. They further damaged the vehicle of police party. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioners that an omnibus allegation is there of surrounding and abusing/assaulting the police personal and no specific allegation has been made against any one of them.

Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner nos.1, 2, 3, 7 & 8 on its own would like to contribute Rs.2000/- each (totalling Rs.10,000/-)towards the Chief Minister Relief Fund through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court.

Learned APP on the other hand opposes the prayer for anticipatory bail submitting that they had tried to assault the police party and damage the police vehicle.



Considering the fact that omnibus allegation is against them, they do not have criminal antecedent, some of them are ladies, this Court is inclined to grant them privilege of bail, subject to the undertaking of payment made of Rs.2000/- each by petitioner nos.1, 2, 3, 7 & 8.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Mehshi P.S. Case No.07 of 2023 to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners will make themselves available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail



cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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