

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19629 of 2023

Arising Out of PS. Case No.-109 Year-2020 Thana- FATEHPUR District- Gaya

Bandhwa Chaudhary @ Rajesh Chaudhary, Son of Late Lakhan Chaudhary,
Resident of Vill.- Jagarnathpur, P.S.- Fatehpur, Dist.- Gaya, Bihar- 824232

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19698 of 2023

Arising Out of PS. Case No.-109 Year-2020 Thana- FATEHPUR District- Gaya

1. Rahul Kumar, Son of Yamuna Chaudhary, Resident of Village- Sekhbagi, Kathadih, P.S. - Fathepur, Distt. - Gaya
2. Sunil Kumar Chaudhary, Son of Bindeshwar Choudhary, Resident of Village- Sekhbagi, Kathadih, P.S. - Fathepur, Distt. - Gaya
3. Dwarika Chaudhary, Son of Jhakkar Chaudhary, Resident of Village- Sekhbagi, Kathadih, P.S. - Fathepur, Distt. - Gaya
4. Aditya Kumar, Son of Siya Saran Chaudhary, Resident of Village- Sekhbagi, Kathadih, P.S. - Fathepur, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 19629 of 2023)

For the Petitioner/s : Mr. Anmol Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 19698 of 2023)

For the Petitioner/s : Mr. Anmol Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2023 Since both the cases are arising out of the same police station case, hence on a request made by the learned counsel for the petitioners, the cases have been heard together and are being



disposed of by this common order.

Heard Mr. Anmol Kumar, learned counsel appearing on behalf of the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Fatehpur P.S. Case No. 109 of 2020 registered for the offences punishable under Sections 109, 147, 148, 149, 332, 337, 353, 153A, 295, 295A, 297, 427, 186, 188, 269, 270, 504, 506, 370 of the Indian Penal Code and Section 3 of the Prevention of Damage to Public Property Act, 1984. Later on, Section 307 of the Indian Penal Code has been added.

It is alleged that on receipt of an information with regard to an accident, the informant along with other police personnel reached at the place of occurrence and it was found that in the accident the driver of the motorcycle died at the spot and thus the local people and the family of the dead person after putting the dead body in way started protesting, thereupon large crowd was assembled. It is further alleged that the persons, who were assembled there, started pelting stone on the police personnel and also damaged some police vehicles as well as private vehicles and terrorized the public at large.

It is submitted on behalf of the petitioners that save and except the petitioners being member of the mob, there is no



allegation of any overt act and in fact the F.I.R. has been instituted against altogether 65 named and 250-300 unknown persons with general and omnibus allegation. It is next submitted that other co-accused persons, having identical allegation, have been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court in Cr. Misc. No. 33185 of 2021 vide order dated 08.06.2022, the copy of which has been annexed as Annexure-2 to the petition. He lastly submits that the petitioners are men of clean antecedent and they undertake that they will fully cooperate in the investigation and will not indulge in tampering with the evidence or intimidating the witnesses.

On the other hand, learned counsel for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, coupled with the fact that other co-accused persons, having identical allegation, have been allowed the privilege of anticipatory bail, let the petitioners, above named, be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds 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-X, Gaya in connection
with Fatehpur P.S. Case No. 109 of 2020, subject to the
conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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