

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19933 of 2023

Arising Out of PS. Case No.-291 Year-2022 Thana- UCHKAGAON District- Gopalganj

1. Manoj Singh Son Of Mohan Singh R/O Village- Arna, P.O.- Jhirwa, P.S.- Uchakagaon, District- Gopalganj
2. Kundan Singh Son Of Harichander Singh R/O Village- Arna, P.O.- Jhirwa, P.S.- Uchakagaon, District- Gopalganj
3. Abhishek Singh Son Of Arjun Singh R/O Village- Arna, P.O.- Jhirwa, P.S.- Uchakagaon, District- Gopalganj
4. Arjun Singh Son Of Ramdhyaal Singh R/O Village- Arna, P.O.- Jhirwa, P.S.- Uchakagaon, District- Gopalganj
5. Pradeep Sah Son Of Ramesh Sah R/O Village- Arna, P.O.- Jhirwa, P.S.- Uchakagaon, District- Gopalganj
6. Arjun Chaudhary Son Of Barrister Chaudhary R/O Village- Arna, P.O.- Jhirwa, P.S.- Uchakagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshay Ashish, Advocate.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2023 Heard learned counsel for the parties.

At the outset, Mr. Akshay Ashish, learned counsel for the petitioner submits that during the pendency of the present bail application, the petitioner no.2 got arrested and so far as petitioner nos.1, 3, 4 and 5 are concerned, they have surrendered before the Court below and prayed for regular bail as such he



seeks permission to withdraw the present application to the extent it relates to petitioner nos.1 to 5.

Learned APP of the State has no objection.

In view thereof, the anticipatory bail application of petitioner nos. 1, 2, 3, 4 and 5 stands dismissed as withdrawn.

The Petitioner No.6, namely, Arjun Chaudhary is apprehending his arrest in connection with Uchakagaon P.S. Case No.291 of 2022, registered for the offences punishable under Sections 147, 149, 323, 307, 332, 333, 353, 337, 338, 224, 504, 506 of the Indian Penal Code.

It is alleged that while the informant along with other police personnels were on raid in connection with Unchakagaon P.S. Case No. 293 of 2021 for making arrest of co-accused Md. Akhtar, in the meantime, the neighbourhood people surrounded the police personnel and started pelting stone, due to which some of the police personnel sustained injury. The local Chaukidar and the apprehended persons disclosed the name of the other accused persons including the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is a local shopkeeper of nearby market and on the alleged date of occurrence he was present at the place of occurrence and only because of his presence his



name has been implicated in this case, though from the FIR, it is evident that there is no allegation of any overt act on his part. He further submits that from the Injury Report of the injured police personnel, it appears that all the injuries were found to be simple in nature and thus considering the fact that there is no specific allegation against the petitioner, as such, no offence under Section 307 is made out against him and the other offences are bailable. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation and will not indulge in tempering of evidence and intimidating the witnesses.

On the other hand learned APP for the State vehemently 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 fair antecedent and the fact that injuries have been found simple in nature, let the petitioner no.6, namely, Arjun Chaudhary, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial



Magistrate-IX, Gopalganj in connection with Uchakagaon P.S.
Case No.291 of 2022, subject to the condition as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Harish Kumar, J)

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