

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19584 of 2023

Arising Out of PS. Case No.-955 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

1. Chhotu Kumar @ Chhote Shankar Son Of Harendra Rai Resident Of Village - Adalpur At Present Dighi Kala, West, P.S. - Hajipur Sadar, Distt. - Vaishali
2. Abhishek Kumar Son Of Ravi Rai Resident Of Village - Adalpur At Present Dighi Kala, West, P.S. - Hajipur Sadar, Distt. - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-06-2023 Heard Mr. Anil Kumar, learned counsel appearing on behalf of the petitioners and Mr. Anand Kishore Choudhary, learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Hajipur Sadar P.S. Case No. 955 of 2022, registered for the offences punishable under Sections 147, 149, 436, 427 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation has been levelled that all the accused persons, including the petitioners, with a view to terrorise, committed loot-pat and cut down two trees and plants of banana. On protest being made, co-accused Bittu Kumar fired from his pistol and on the exhortation made by co-accused Ajay



Rai, Chintu Kumar and Rustam Kumar set the shop of one Babulal Patel on fire. It is further alleged that the shop of Umesh Pandit also burnt to ashes.

Learned counsel appearing on behalf of the petitioners submits that from the FIR it is evident that the specific allegation has been levelled against other co-accused persons and so far the petitioners are concerned they are said to be only present at the place of occurrence and no role has been assigned to them. He next submitted that the present case has been instituted on account of village politics as there was enmity between the parties. He next submitted that the so far petitioner no. 1 is concerned, he is involved in one another case bearing Hajipur P.S. Case No. 40 of 2018, however, the petitioner no. 2 has absolutely fair antecedent. He next submitted that both the petitioners undertake that they will not indulge in any such type of crime in future and if their complicity would be found in any such type of activities in future, the informant as well as the prosecution would be at liberty to file an application for cancellation of their bail.

On the other hand, learned counsel for the State opposed the bail application and submits that the petitioners are named in the FIR and during the course of investigation, the



witnesses have supported the prosecution case.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation assigning no role to the petitioners, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Viashali at Hajipur in connection with Hajipur Sadar P.S. Case No. 955 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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