

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28134 of 2023

Arising Out of PS. Case No.-500 Year-2022 Thana- TEKARI District- Gaya

1. ASHA DEVI Wife of Sanjay Kumar @ Sanjay Thakur R/V- Mou, PS- Tekari Dist- Gaya
2. Abhishek Kumar Son of Sintu Kumar gupta @ Aju Saw R/V- Mou, PS- Tekari Dist- Gaya
3. Anuj Kumar Son of Prem Prasad Gupta @ Prem Sao R/V- Mou, PS- Tekari Dist- Gaya
4. Neeraj Kumar @ Vicky Kumar son of Shambhu Lal Prasad R/V- Mou, PS- Tekari Dist- Gaya
5. Brajesh Kumar Son of Deelip Kumar R/V- Mou, PS- Tekari Dist- Gaya
6. Chandan Kumar Gupta Son of Rajendra Prasad Gupta R/V- Mou, PS- Tekari Dist- Gaya
7. Kundan Kumar Son of Rajendra Prasad Gupta R/V- Mou, PS- Tekari Dist- Gaya
8. Fulmati Devi @ Phulmati Devi Wife of Puna Chauhan R/V- Mou, PS- Tekari Dist- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ramakant Sharma, Sr. Advocate
		Mr.Rajesh Kumar, Advocate
For the Opposite Party/s :		Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and learned APP
for the State.

At the outset, learned senior counsel for the petitioners has informed this Court that during pendency of the application petitioner no. 6 namely, Chandan Kumar Gupta, has been arrested, hence, this application as regards petitioner no. 6 has become infructuous.

The petitioners, in the present case, are seeking pre-arrest



bail in connection with Tekari (Mou O.P.) P.S. Case No. 500 of 2022 registered for the offences punishable under Sections 341, 342, 143, 353, 504 and 506 of the Indian Penal Code. Petitioners have otherwise no criminal antecedent except petitioner no. 7 who has got one criminal antecedent in which he is on bail.

As per the prosecution story, on 07.08.2022, it is alleged that on information that a person has died in a road accident near Mou Petrol pump and local people have assembled and blocked the main road, the Circle Officer of Tekari Anchal reached there and requested the people to vacate the road, they misbehaved and abused him, thereafter he informed the senior officers but the local people including the petitioners were not ready to vacate the road and demanded compensation regarding the accident.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case on mere suspicion. Learned counsel submits that petitioners were not present on the spot.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the submission that as per the F.I.R. it was a mob who were obstructing in lifting the dead body and according to the informant there were 14 named and 115 other local persons on the spot and the police has implicated these petitioners on false and flimsy grounds, no overt act has been alleged specifically against them and they have otherwise no criminal antecedent except



petitioner no. 7 who has got one criminal antecedent in which he is on bail, this Court, therefore, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioner nos. 1, 2, 3, 4, 5, 7 and 8 above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – VIth Gaya in connection with Tekari (Mou O.P.) P.S. Case No. 500 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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