

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34937 of 2023

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

Bipin Singh @ Jitendra Singh S/o of Ramayan Singh Resident of Village-
Ram Purva, PS- Mahesi, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-07-2023 Heard Mr. Om Prakash Singh, learned counsel for the
petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Mahesi P.S. Case No.07 of 2023, registered for the offences punishable under Sections 147, 224, 225, 341, 342, 323, 337, 353, 307 and 427 of the Indian Penal Code.

3. Allegedly, while the informant along with other police personnel raided the house of the petitioner to apprehend him and one co-accused person, the family members of the petitioner obstructed the police personnel and also assaulted them. In the meantime, the petitioner succeeded in fleeing away from the clutches of the police personnel. It is also alleged that accused persons also damaged the vehicle of the police party.



4. Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the police raided the house of the petitioner on the information of the petitioner being accused in connection with Mahesi P.S. Case No.282 of 2021. He drawn the attention of this Court to the written report of Mahesi P.S. Case No. 282 of 2021 and submits that from the said FIR, it is evident that save and except there is an allegation of instigation to co-accused persons to have the land procured, anyhow, there is nothing against the petitioner. However, the accused persons of Mahesi P.S. Case No. 282 of 2021, who are pursuing a title suit in connection with the land in question is still pending before the learned Sub-Judge, East Champaran, Motihari. He next submits that there is no allegation that this petitioner has made any overt act against the police personnel and so far the allegation of any obstruction caused to the police is concerned, the same has been attributed to the family members of the petitioner. He next submits that the petitioner has already been allowed privilege of anticipatory bail by the learned Co-ordinate Bench of this Court in connection with Mahesi P.S. Case No.282 of 2021. He lastly submits that other co-accused persons have also been allowed privilege of anticipatory bail by learned Co-ordinate Bench of this Court in



Cr. Misc. Nos. 58606 of 2022 and 65447 of 2022 in connection with the present case also

5. On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is having antecedent of three criminal cases and out of which in one case the petitioner has been convicted.

6. At this juncture, learned counsel for the petitioner submits that against the judgment of conviction and resultant sentence the petitioner has preferred appeal and the sentence has already been suspended and allowed bail by learned Division Bench of this Court.

7. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that other co-accused persons have already been allowed privilege of anticipatory bail, moreover the materials are not suffice to constitute offence under Section 307 of the IPC, let the above named petitioner, 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 Chief Judicial Magistrate, East Champaran, Motihari in connection



with Mahesi P.S. Case No.07 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Manoj/-

U		T	
---	--	---	--

