

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33924 of 2023

Arising Out of PS. Case No.-515 Year-2022 Thana- KESARIA District- East Champaran

1. Ajay Sah @ Ajay Kumar Sah Son of Sheolochan Sah @ Sheolochan Singh @ Shiv Lochan Sah Resident of Village- Kadhan, Ward No. 8, PS- Kesariya District- East Champaran
2. Babloo Ram @ Babloo Kumar Son of Suresh Ram @ Suresh Paswan Resident of Village- Kadhan, Ward No. 8, PS- Kesariya District- East Champaran
3. Bhageshwar Ram Son of Sukhal Ram Resident of Village- Kadhan, Ward No. 8, PS- Kesariya District- East Champaran
4. Manoj Paswan Son of Late Raju Paswan Resident of Village- Kadhan, Ward No. 8, PS- Kesariya District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. Let the defect(s), if any, as pointed out by the office,
be removed within a period of four weeks from today.

03. In the present case, the petitioners are apprehending
their arrest in connection with Kesariya P.S. Case No. 515 of 2022,
registered on 21.10.2022, for the alleged offence under Sections
147, 148, 149, 341, 323, 307, 332, 353 and 427 of the Indian Penal
Code.

04. As per prosecution case, the police went to inquire
into the matter of co-accused Rajan Ram, who was creating



nuisance in inebriated condition, and found that he assaulted his brother and his sister-in-law in drunken condition. When the police party tried to take him away, he attacked on the police party and on hearing commotion, a large number of people gathered including the petitioners and they attacked the police party and freed the co-accused Rajan Ram. They also damaged the police vehicles.

05. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. There is no specific allegation of any overt act against the petitioners. The allegations are mostly general and omnibus against all the accused persons. Learned counsel further submits that the police came in collusion with the local *Mukhiya* and named the petitioners in a dispute, which was a personal dispute of two brothers. Learned counsel further submits that no murderous assault was made and for this reason no offence under Section 307 of IPC is made out. Similarly, no offence under Section 353 of IPC against the petitioners is made out, as there is no specific allegation against them and altogether about 60 persons have been made accused in this case. The petitioners are daily wages labourers, who used to live in Delhi for their livelihood.

06. Learned A.P.P. for the State opposes the prayer for



anticipatory bail submitting that the petitioners were part of mob which attacked the police party.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation without any substantive material against the petitioners and further considering the possibility of false implication, let the petitioners, above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class/concerned court, East Champaran, Motihari in connection with Kesariya P.S. Case No. 515 of 2022 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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