

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34829 of 2023

Arising Out of PS. Case No.-156 Year-2013 Thana- MUFFASIL District- West Champaran

1. Manoj Kumar Srivastava Son Of Mahendra Prasad Srivastava Resident Of Village - Gaunaha, P.S. - Gaunaha, Distt. - West Champaran
2. Santosh Kumar Yadav Son Of Shambhu Prasad Yadav Resident Of Village - Lauriya, P.S. - Lauriya, Distt. - West Champaran
3. Afroj Alam @ Shekh Afroz Ahmad Son Of Shekh Abdul @ Shekh Abdul Rahman Resident Of Village - Hari Pakadi, P.S. - Majhauria, Distt. - West Champaran
4. Amit Kumar Srivastava Son Of Birendra Prasad Resident Of Village - Kunjlahi, P.S. - Nautan, Distt. - West Champaran
5. Ravikant Jha Son Of Shobhakant Jha Resident Of Village - Upadhyay Tola, P.S. - Chanpatia, Distt. - West Champaran
6. Bipin Kumar Yadav @ Bipin Prasad Son Of Late Ram Chandrika Prasad @ Late Ram Chandrika Prasad Yadav Resident Of Village - Ujjain Tola, P.S. - Bettiah Town, Distt. - West Champaran
7. Varun Kumar Dwivedi Son Of Dhrup Dwivedi Resident Of Village - Paterwa, P.S. - Yogapatti, Distt. - West Champaran
8. Manoj Kumar Son Of Hira Prasad Resident Of Village - Harpurwa, P.S. - Yogapatti, Distt. - West Champaran
9. Sudhir Dutta Gupta @ Sudhir Prasad Gupta Son Of Mathura Sah Resident Of Village - Gidha, P.S. - Chanpatia, Distt. - West Champaran
10. Shamsad Alam Son Of Mahmood Alam Resident Of Village - Dharampur Sathi, P.S. - Sathi, Distt. - West Champaran
11. Rajesh Kumar Son Of Brajnandan Prasad Resident Of Village - Mahabirpur, P.S. - Yogapatti, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raushan Raj
For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.



2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 336, 353, 427, 452, 504 and 506 of the Indian Penal Code and Section 3 of the Damage to Public Property Act.

3. The allegation against the petitioners is that they along with other accused persons caused damage to public property and also created hurdle in performance of public duty.

4. Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that no specific accusation has been levelled against any petitioners in the F.I.R., the petitioners are only members of the mob. He further submits that during course of investigation, only a single piece of broken glass has been recovered from the place of occurrence by the police and this clearly shows that the informant has given an exaggerated version of the alleged occurrence. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.



6. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Bettiah Muffasil P.S. Case No.156 of 2013, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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