

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37538 of 2023

Arising Out of PS. Case No.-62 Year-2023 Thana- BHAGWANPUR District- Begusarai

1. LALITA DEVI Wife of Visho Chaurasia @ Visho Chaurasiya Resident of village - Chak Dhullam, (Chak Dullam), Banwaripur, ward no. 13, P.S. - Bhagwanpur, Distt. - Begusarai
2. Nirmla Devi Wife of Chandra Shekhar Chauraisa @ Chandra Shekhar Chaurasiya Resident of village - Chak Dhullam, (Chak Dullam), Banwaripur, ward no. 13, P.S. - Bhagwanpur, Distt. - Begusarai
3. Ranjeet Kumar @ Ranjit Kumar Son of Chandra Shekhar Chaurasia @ Chandra Shekhar Chaurasiya Resident of village - Chak Dhullam, (Chak Dullam), Banwaripur, ward no. 13, P.S. - Bhagwanpur, Distt. - Begusarai
4. Bipin Kumar Son of Chandra Shekhar Chaurasia @ Chandra Shekhar Chaurasiya Resident of village - Chak Dhullam, (Chak Dullam), Banwaripur, ward no. 13, P.S. - Bhagwanpur, Distt. - Begusarai
5. Hareram Chaurasiya @ Hareram Chaurasia Son of Ghuran Chaurasia @ Ghuran Chaurasiya Resident of village - Chak Dhullam, (Chak Dullam), Banwaripur, ward no. 13, P.S. - Bhagwanpur, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 353, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution case, the police party arrested petitioner no.5 for breath analyzer test as smell of alcohol was coming from his mouth. It is alleged that all the petitioners and



other co-accused persons obstructed police in their official duty and also misbehaved and scuffled with them. It is also alleged that the petitioner no.5 escaped from police custody.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is submitted that neither the informant nor the police party have sustained any injury. There is no specific overt act against the petitioners. Petitioners have no criminal antecedent.

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

6. Having regard to the facts and circumstances of the case as there is allegation of creating disturbance and hurdle in discharge of duty of police party against the petitioners, I am not inclined to enlarge the petitioner nos.3, 4 and 5 on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. However, as the petitioner nos.1 and 2 are ladies and there is no specific overt act against them, let the above named



petitioner nos.1 and 2, 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 court below where the case is pending/Successor Court in connection with Bhagwanpur P.S. Case No.62 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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