

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37698 of 2023

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

1. KABUTAREE DEVI WIFE OF ANANDI CHAURASIA @ ANANDI CHAURASIYA RESIDENT OF VILLAGE- CHAK DHULLAM (CHAK DULLAM), BANWARIPUR, WARD NO. 13, PS- BHAGWANPUR, DISTRICT- BEGUSARAI
2. SANTOSH CHAURASIY @ SANTOSH CHAURASIYA @ SANTOSH CHAU. SON OF RAM PRAKASH CHAURASIYA @ RAM PRAKASH CHAURASIA RESIDENT OF VILLAGE- CHAK DHULLAM (CHAK DULLAM), BANWARIPUR, WARD NO. 13, PS- BHAGWANPUR, DISTRICT- BEGUSARAI
3. CHHOTU KUMAR @ ALOK KUMAR SON OF UMESH THAKUR RESIDENT OF VILLAGE- CHAK DHULLAM (CHAK DULLAM), BANWARIPUR, WARD NO. 13, PS- BHAGWANPUR, DISTRICT- BEGUSARAI
4. ARVIND KUMAR @ ARVIND CHAURASIYA @ RAVINDRA KUMAR SAHNI SON OF LAKHAN CHAURASIYA @ LAKHAN SAHNI RESIDENT OF VILLAGE- CHAK DHULLAM (CHAK DULLAM), BANWARIPUR, WARD NO. 13, PS- BHAGWANPUR, DISTRICT- BEGUSARAI
5. ARVIND RAI @ ARVIND RAY @ ARVIND KUMAR SON OF GUTO RAI @ GANJO RAI @ GANGO RAI RESIDENT OF VILLAGE- CHAK DHULLAM (CHAK DULLAM), BANWARIPUR, WARD NO. 13, PS- BHAGWANPUR, DISTRICT- BEGUSARAI
6. MITHILESH RAI @ MITHILESH RAY @ MITHLESH RAY SON OF JUGAL RAI @ YUGAL RAI RESIDENT OF VILLAGE- CHAK DHULLAM (CHAK DULLAM), BANWARIPUR, WARD NO. 13, PS- BHAGWANPUR, DISTRICT- 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.Arun Kumar 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 co-accused namely, Hareram Chaurasia 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 co-accused namely, Hareram Chaurasia 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 dis-



charge of duty of police party against the petitioners, I am not inclined to enlarge the petitioner nos.2 to 6 on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. However, as the petitioner no.1 is a lady and there is no specific overt act against her, let the above named petitioner no.1, be released on bail, in the event of her 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) 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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