

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49691 of 2023

Arising Out of PS. Case No.-520 Year-2022 Thana- CHHATAUNI District- East Champaran

1. DEV PRAKASH @ JAYLAL SAH SON OF LATE RAJARAM SAH
RESIDENT OF VILLAGE- BARA BARIYARPUR, P.S. CHHATAUNI,
DISTRICT- EAST CHAMPARAN
2. JITENDRA KUMAR SON OF JAY KISUN PASWAN RESIDENT OF
VILLAGE- BARA BARIYARPUR, P.S. CHHATAUNI, DISTRICT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 16-08-2023
1. Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out
of Chhatauni Police Station Case No. 520 of 2022, dated
06.10.2022, disclosing offences punishable under
Sections 147/149/341/323/307/353/332/333/427 of the
Indian Penal Code.
 3. The prosecution case, as per the First Information Report,
is that the petitioners, who are the office bearers of a puja
committee, had taken a procession for immersion of deity
during Durga Puja, the persons in the procession were
singing and dancing and when the procession reached



near the water tower, the members of the procession started hooliganism and also disturbed the traffic passing through the procession, upon which the police requested the petitioners to pacify the members of the procession, but they did not pay any heed to the request of the police, and the hooligans started pelting stones upon the police party.

4. Learned Counsel for the petitioners submits that the petitioners were made accused in this case merely because they are the office bearers of the puja committee and they could not pacify the members of the procession during the course of immersion of deity. He further submits that as per the First Information Report, the allegation of pelting stones is against the members of the procession, altogether 18 named and 50-60 unknown persons. He further submits that similarly situated co-accused persons have been granted anticipatory bail by this Court, vide order, dated 28.07.2023, passed in Criminal Misc. No. 38908 of 2023.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that there is no specific allegation against the petitioners for



creating disturbance, the allegation of pelting stone is upon a large number of persons, the petitioners happened to be the office bearers of the puja committee and similarly situated co-accused persons have been granted anticipatory bail by this Court, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Chatauni Police Station Case No. 520 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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