

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53504 of 2023

Arising Out of PS. Case No.-224 Year-2022 Thana- PATAHI District- East Champaran

1. Gudiya Devi @ Gudiya Goswami @ Gurhiya Goswami W/O Ramesh Giri
R/O Village- Kodaria, P.S. -PATAHI, Dist. -EAST Champaran
2. Ramesh Giri @ Mahanth Kedar @ Mahanth Kedar Puri S/O Rupa Giri R/O
Village- Kodaria, P.S. -PATAHI, Dist. -EAST Champaran

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Suman Kumar Singh, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Patahi P.S. Case No. 224 of 2022, registered on 01.11.2022, for the alleged offence under Sections 147, 149, 341, 323, 353, 224 and 225 of the Indian Penal Code.

03. As per prosecution case, on the basis of secret information, the police went to arrest co-accused Umesh Giri, an accused in Patahi P.S. Case No. 220 of 2022. The co-accused was arrested and while the police was taking him to the police station, 10-12 persons including the petitioners obstructed the way of the police party and misbehaved with them and they helped the apprehended co-accused to flee away from the spot. The



petitioners and other co-accused persons were identified by the local *chowkidar* and villagers.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The informant of Patahi P.S. Case No. 220 of 2022 is in connivance with the S.H.O. of Patahi Police Station, got the present case registered against the petitioners and others. The informant of the Patahi P.S. Case No. 220 of 2022 threatened the petitioner no. 1, as she protested his act of cutting of *Kadamb* tree and for the same, Patahi P.S. Case No. 221 of 2022 has been registered under Sections 341, 323, 324, 354(B), 379, 506/34 of the Indian Penal Code against the informant and others. In retaliation thereof, the present false case has been lodged. The petitioners are wife and husband and only on the saying of hostile villagers, they have been made accused in this case. Learned counsel further submits that the petitioners did not create any nuisance and did not obstruct the working of the police party and so no offence under Section 353 of the I.P.C. is made out against them and other offences mentioned in the F.I.R. are bailable in nature.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the petitioners have been named in the FIR, who created nuisance and obstructed the



police party and helped to free the co-accused in this case.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the possibility of false accusation, 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Patahi P.S. Case No. 224 of 2022 (G.R. No. 6665 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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