

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.54831 of 2023

Arising Out of PS. Case No.-198 Year-2022 Thana- PALANWA District- East Champaran

1. RAJENDRA RAM SON OF RAM LAGAN RAM RESIDENT OF VILLAGE- WARD N. 16, KALIKAPUR, PS- PALANWA, DISTT- EAST CHAMPARAN
2. NIRU BAITHA SON OF HARISHCHANDRA BAITHA RESIDENT OF VILLAGE- WARD N. 16, KALIKAPUR, PS- PALANWA, DISTT- EAST CHAMPARAN
3. SHIV PUJAN RAM SON OF BUDDAN RAM RESIDENT OF VILLAGE- WARD N. 16, KALIKAPUR, PS- PALANWA, DISTT- EAST CHAMPARAN
4. OSIYAR RAUT @ OSIYAR PATEL SON OF AMLA RAUT RESIDENT OF VILLAGE- WARD N. 16, KALIKAPUR, PS- PALANWA, DISTT- EAST CHAMPARAN
5. HARINDRA PATEL SON OF GENA PATEL RESIDENT OF VILLAGE- WARD N. 16, KALIKAPUR, PS- PALANWA, DISTT- EAST CHAMPARAN
6. VISUN BAITHA SON OF LATE ADALAT BAITHA RESIDENT OF VILLAGE- WARD N. 16, KALIKAPUR, PS- PALANWA, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 06-12-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Palanwa Police Station Case No. 198 of 2022, disclosing offences under Sections 147, 342, 323, 302, 120(B) of the Indian Penal Code and Sections 25(1-b)a, 35 of the Arms Act.

3. As per the prosecution case, the informant lodged an FIR, stating therein that on 07.09.2022, the husband of the



informant had gone to buy vegetables but he did not return and subsequently, on 08.09.2022, in the morning, the informant received an information that her husband has been killed in the village-Kalikapur by the mob consisting of twenty named accused persons along with hundred unknown people.

4. Learned Counsel for the petitioner submits that the name of the petitioners have been dragged in the case on the basis of suspicion only. He further submits that the deceased was child lifter and was caught in the night while he had entered into the house of some villagers for the purpose of lifting a boy. A large number of villagers assaulted the informant's husband due to which he died. The petitioners have not been seen in the video footage assaulting the deceased, however, petitioner No. 5 was only seen standing in the mob as a mute spectator. The learned Additional Sessions Judge, in the impugned order, has wrongly recorded that the petitioners were seen in the video as the same is error of record. Learned counsel, in the circumstances, referred Paragraph 79 of the case diary.

Learned counsel for the State, after going through Paragraph 79 of the case diary, submits that in the video footage, except petitioner No. 5, other petitioners were not found present.

5. Having regard to the submissions made on behalf



of the parties and taking into consideration the fact that the allegation against the petitioners and others are general and omnibus in nature, the petitioners have not been seen in the video footage itself except petitioner No. 5 who was seen only standing in the mob and there is no criminal antecedent against the petitioners, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, Rajendra Ram, Niru Baitha, Shiv Pujan Ram, Osiyar Raut @ Osiyar Patel, Harindra Patel, Visun Baitha , in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Raxaul, East Champaran at Motihari, in connection with Palanwa Police Station Case No. 198 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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