

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53232 of 2022

Arising Out of PS. Case No.-91 Year-2016 Thana- RAJEPUR District- East Champaran

1. RAJESH SAH SON OF UMA SAH R/O VILLAGE- TETARIYA, P.S.- RAJEPUR, DIST.- EAST CHAMPARAN
2. SHAMBHU PRASAD @ SHAMBHU PRASAD CHAURASIYA SON OF BANARASI BHAGAT R/O VILLAGE- TETARIYA, P.S.- RAJEPUR, DIST.- EAST CHAMPARAN
3. DILIP PASWAN SON OF PACHU PASWAN R/O VILLAGE- TETARIYA, P.S.- RAJEPUR, DIST.- EAST CHAMPARAN
4. HARENDRA RAM SON OF VISHUNDEV RAM R/O VILLAGE- TETARIYA, P.S.- RAJEPUR, DIST.- EAST CHAMPARAN
5. MANOJ KUMAR SON OF KRISHNA SAH R/O VILLAGE- TETARIYA, P.S.- RAJEPUR, DIST.- EAST CHAMPARAN
6. SUMIT KUMAR @ RAHUL JHA SON OF MANOJ JHA R/O VILLAGE- TETARIYA, P.S.- RAJEPUR, DIST.- EAST CHAMPARAN
7. RAJKUMAR SAH SON OF VISHWANATH SAH R/O VILLAGE- TETARIYA, P.S.- RAJEPUR, DIST.- EAST CHAMPARAN
8. RAMESH KUMAR @ MUNTUN SAH SON OF KISHORI SAH R/O VILLAGE- TETARIYA, P.S.- RAJEPUR, DIST.- EAST CHAMPARAN
9. RAMASHANKAR SAH SON OF KISHORI SAH R/O VILLAGE- TETARIYA, P.S.- RAJEPUR, DIST.- EAST CHAMPARAN
10. SURESH GUPTA SON OF BHULAN SAH R/O VILLAGE- TETARIYA, P.S.- RAJEPUR, DIST.- EAST CHAMPARAN
11. SURESH SAHANI SON OF RAMCHANDRA SAHANI R/O VILLAGE- GHEGHWA, P.S.- MADHUBAN, DIST.- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-01-2023 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Rajepur P.S. Case No. 91 of 2016 for the offence registered



under Sections 143 and 427 of the Indian Penal Code and later on added Sections 144, 147, 452, 341, 342, 323, 504, 506, 353 and 120B of the Indian Penal Code and $\frac{3}{4}$ of Prevention of damage to Public Property Act.

As per the FIR, the informant alleged that the accused persons came and damaged his personal vehicle and accordingly, on the basis of the said information/allegation of Block Development Officer Tetariya, East Champaran, the present FIR has been lodged.

Learned counsel for the petitioners submit that around 91 accused persons have been made accused in the case of 2016 and when in 2021, the other sections were added that necessiated filing of the present petition. His further submission is that he is ready to abide by all the terms and conditions, if granted the privilege of anticipatory bail. Last submission is that irrespective of the outcome of the present case, the petitioners intend to donate Rs. 2500/- each (totalling Rs. 27,500/-) in the account of Chief Minister's Relief Fund.

Learned APP for the State opposes the prayer for bail stating that the accused persons damaged the vehicle of the informant-BDO.

Taking into account the fact the accusation is omnibus



in nature against host of persons and there is no specific allegation against them, this Court is inclined to grant them relief subject of payment of Rs. 2500/- each to Chief Minister's Relief Fund as stated above.

Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sadar, East Champaran, Motihari in connection with Rajepur P.S. Case No. 91 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions ;

(i) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/Neha -

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