

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53637 of 2022

Arising Out of PS. Case No.-109 Year-2020 Thana- FATEHPUR District- Gaya

1. Pintu Prasad Keshari @ Pintu Keshari Son of Brahmdev Keshari Resident of village - Kariyadpur, P.S.- Fatehpur, District - Gaya.
2. Hind Kumar Son of Shyam Sundar Prasad @ Shayam Bihari Baid Resident of village - Kariyadpur, P.S.- Fatehpur, District - Gaya.
3. Gola Chaudhary @ Raghuvir Chaudhary Son of Natho Chaudhari Resident of vill. - Jagernathpur, P.S.- Fatehpur, District - Gaya, Bihar
4. Chenga Chaudhary @ Pintu Chaudhary Son of Jageshwar Chaudhary Resident of vill. - Jagernathpur, P.S.- Fatehpur, District - Gaya, Bihar
5. Benga Chaudhary @ Mithlesh Chaudhary Son of Jageshwar Chaudhary Resident of vill. - Jagernathpur, P.S.- Fatehpur, District - Gaya, Bihar
6. Shankar Kumar Son of Arjun Chaudhary Resident of vill. - Jagernathpur, P.S.- Fatehpur, District - Gaya, Bihar
7. Lalo Manjhi Son of Baldev Manjhi Resident of vill. - Jagernathpur, P.S.- Fatehpur, District - Gaya, Bihar
8. Ramphal Manjhi Son of Ishwar Manjhi Resident of vill. - Jagernathpur, P.S.- Fatehpur, District - Gaya, Bihar
9. Murari Chaudhary @ Krishna Murari Chaudhary Son of Chandan Chudhary Resident of Vill. - Shekhbagi, P.S.- Fatehpur, Dist. - Gaya, Bihar, Pin - 824232.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anmol Kumar, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-01-2023 Heard Mr. Anmol Kumar, learned counsel for the
petitioners and learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioners are apprehending arrest in



connection with Fatehpur P.S. Case No. 109 of 2020 under sections 109, 147, 148, 149, 332, 337, 353, 153(A), 295, 295(A), 297, 427, 186, 188, 269, 270, 504 and 506 of the Indian Penal Code and Section 3 of Prevention of Damage of Public Property Act and subsequently section 307 of the Indian Penal Code was added.

As per the prosecution story, the police alleged that three persons got injured in the motorcycle accident and one Rahul Kumar died in the said accident. However, the family members and the locals put the dead body in the middle of the road and thereafter, the crowd started making noise and further they started targeting the houses of a particular community. As the situation went out of control, the Dy. S.P. and Sr. S.P., Gaya were informed whereafter additional police force came and only after firing in the air and after damaging the police vehicles and the private vehicles by the assaulters, accused retreated.

The 'Chowkidar' thereafter identified 65 named accused and 250-300 unknown persons. Accordingly, the FIR.

Learned counsel for the petitioners submit that as there was a big crowd, they simply went there to know what is happening and in that process, they have been implicated in this case. Further submission is that they do not have any criminal



antecedents and since there has been allegation of damaging the public property, irrespective of the outcome of the present case, they on their own would like to deposit Rs. 2000/ each totalling Rs. 18,000/- to the Account No. 1413010060836 of Patna High Court Legal Services Committee.

The learned APP on the other hand opposes the prayer stating that after the death of the person in motorcycle accident, they tried to make the condition of the police force uncomfortable and only after the higher officials of the police reached then the situation was controlled.

Considering the fact that the petitioners do not have any criminal antecedents and they have been named by the 'Chowkidar' as part of the crowd, no role has been assigned to them and ultimately they will have to face the trial, this Court is inclined to grant them the privilege of bail subject to payment of Rs. 18,000/- (Rs. 2000/- each) as stated above with condition.

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gaya, in connection with Fatehpur P.S. Case No. 109 of 2020



subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further condition that they will be visiting the concerned police station for one year every fortnight.

(Rajiv Roy, J)

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