

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60717 of 2023

Arising Out of PS. Case No.-740 Year-2022 Thana- CHAPRA TOWN District- Saran

1. Ramdeo Mahto S/O Lallan Mahto R/O Mohalla- Bichala Telpa, Ps. Chapra Town, Dist. Saran
2. Vinay Chaudhary S/O Ramanand Chaudhary R/O Mohalla- Bichala Telpa, Ps. Chapra Town, Dist. Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avnish Kumar Singh, Adv.

For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and the learned APP for the State.

2. At the very outset, learned counsel for the petitioners submits that petitioner No.2 is accused No. 8 in the FIR and his parentage has wrongly been stated since he has the same name as accused No.2 in the FIR. The same error has been committed by the office of the learned counsel for the petitioner while filling up the details in the '*Vakalatnama*'.

3. Considering such submission, he is permitted to rectify/correct the father's name of accused No. 8 (petitioner No.2) in the '*Vakalatnama*' as well as the cause title of the instant application.



4. The petitioners are apprehending their arrest in connection with Chapra Town PS Case No 740 of 2022, registered for the offence punishable under Sections 147,148,149,341,323,332,333, 353, 427, 504 and 506 of the Indian Penal Code.

5. The informant alleges that on information that some accused are indulging in illegal trade of liquor, he reached the place of occurrence where some accused had assembled and on seeing the police force started fleeing. The accused persons, including the petitioners started pelting stone causing injury to the informant and driver of the police vehicle and even the vehicle of the police was damaged.

6. It is submitted by the petitioners' counsel that the petitioners have been falsely implicated in the instant case. It is further submitted that from perusal of the allegation in the FIR, it would manifest that allegations are general and omnibus in nature. The petitioners have no criminal antecedents. The other co-accused of this case have been privileged with anticipatory bail vide orders passed in Cr. Misc. Nos. 51296 of 2023 and 54745 of 2023.

7. Learned APP for the State has opposed the prayer for bail.



8. Considering the rival submissions, clean antecedents as also the fact that other co-accused of this case have been privileged with anticipatory bail vide orders passed in Cr. Misc. Nos. 51296 of 2023 and 54745 of 2023, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail is allowed.

9. Accordingly, 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 the learned CJM Saran, in connection with Chapra Town PS Case No 740 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.



(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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