

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60652 of 2023

Arising Out of PS. Case No.-407 Year-2022 Thana- SURYAGARHA District- Lakhisarai

1. Radhe Ram S/o Bodhan Ram, Resident of Village- Patelpur, Suryapur, P.S- Surajgarha, Distt.- Lakhisarai.
2. Vijay Ram @ Vijay Kumar S/o Radhe Ram, Resident of Village- Patelpur, Suryapur, P.S- Surajgarha, Distt.- Lakhisarai.
3. Sonu Kumar S/o Vijay Ram, Resident of Village- Patelpur, Suryapur, P.S- Surajgarha, Distt.- Lakhisarai.
4. Manoj Ram S/o Sitaram Prasad, Resident of Village- Patelpur, Suryapur, P.S- Surajgarha, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Anu Priyadarshni, Advocate.
	:	Mr. Ashok Kumar Sinha, Advocate.
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

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

2. The petitioners apprehend their arrest in connection with Surajgarha P.S. Case No.407 of 2022 dated 31.12.2022 instituted under Sections 147, 149, 323, 353, 186 of the Indian Penal Code.

3. As per the prosecution case, when the informant tried to stop the illegal construction of Ara mill then the accused persons alongwith 20-25 unknown accused persons started pelting stone towards the informant due to which JCB Machine



was destroyed.

4. Learned counsel for the petitioners submits that when the informant tried to demolish the construction of petitioners, the same was opposed by the petitioners and due to such annoyance, the present F.I.R. has been lodged with false and concocted allegations. He further submits that petitioners are innocent and have not committed any offence. He also submits that petitioner no.1 is aged about 79 years old and rest of the petitioners are family members of petitioner no.1. Learned counsel submits that petitioner no.1 has four criminal antecedents, out of which, he has been acquitted in two cases, petitioner no.2 has two criminal antecedents and petitioner no.3 has one criminal antecedent, in which they are on bail. He further submits that except Section 353 of the Indian Penal Code other sections are bailable in nature and Section 353 of the Indian Penal Code is not made out against the petitioners.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing



bail bonds of Rs. 10,000/- (Rupees Ten Thousands) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Surajgarha P.S. Case No.407 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J.)

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