

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61725 of 2023**

Arising Out of PS. Case No.-470 Year-2022 Thana- CHIRAIYA District- East Champaran

Subodh Das @ Subodh Kumar Das Son Of Sunar Das Resident Of Village -  
Partapur, P.S. - Chiraiya, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anant Kumar No. 1, Advocate

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      16-10-2023                      Heard Mr. Ajay Kumar Singh, learned counsel  
appearing on behalf of the petitioner and Mr. Anant Kumar No.  
1, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection  
with Chiraiya P.S. Case No. 470 of 2022 registered for the  
offences under Section 147, 148, 149, 341, 323, 307, 353, 332,  
151, 504 of the Indian Penal Code.

3. The allegation against the petitioner and others is of  
creating objections in the discharge of official duty of police  
personnel and administration while they were removing the  
encroachments. It is also alleged that the accused persons also  
damaged the government vehicles and caused injury to  
government officials, who were discharging their public duties.

4. Learned counsel appearing on behalf of the



petitioner submits that allegedly the F.I.R. has been instituted against 40-50 unknown persons and there is no specific allegation levelled against anyone. That apart, the facts of the case is when the police personnel came at the spot to remove the encroachments, the alleged encroachers requested for some time so that they can themselves remove the encroachment but the same has not been allowed which cause resentment in the public at large and thereafter in course of protest, some scuffle has taken place between the police personnel and public at large. He next submitted that the petitioner is a local person and as he was standing there in order to pacify the resentment, thus, his name has been given as a first accused. The petitioner has absolutely fair antecedents and he undertakes that he will fully cooperate in the investigation and proceedings of the Court.

5. On the other hand, learned counsel for the States opposes the bail application and submits that the petitioner has actively participated in causing damage to the public vehicles and also assaulted the police personnel, who were discharging their official duty and as such he does not deserve the privilege of anticipatory bail.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of



allegation, coupled with the fair antecedent and the fact that the impugned order does not disclose the nature of injury allegedly sustained to the police personnel, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sikarhana at Dhaka in connection with Chiraiya P.S. Case No. 470 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

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