

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64086 of 2023

Arising Out of PS. Case No.-221 Year-2023 Thana- DORIGANJ District- Saran

1. Satish Kumar, Son Of Nawnath Rai, Resident Of Village - Lodipur Chirand, P.S. - Doriganj, District - Saran At Chhapra
2. Sandeep Kumar, Son Of Nawnath Rai, Resident Of Village - Lodipur Chirand, P.S. - Doriganj, District - Saran At Chhapra
3. Nawnath Rai, Son Of Sipahi Rai, Resident Of Village - Lodipur Chirand, P.S. - Doriganj, District - Saran At Chhapra
4. Lalu Kumar @ Sashi Rai, Son Of Late Sewak Rai, Resident Of Village - Lodipur Chirand, P.S. - Doriganj, District - Saran At Chhapra
5. Ramsanehi Rai, Son Of Late Shyam Narain Rai, Resident Of Village - Lodipur Chirand, P.S. - Doriganj, District - Saran At Chhapra
6. Golu Rai, Son Of Late Bhawnath Rai, Resident Of Village - Lodipur Chirand, P.S. - Doriganj, District - Saran At Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Dimpal Kumari, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2023 Heard Ms. Dimpal Kumari, learned counsel appearing on behalf of the petitioners and Mr. Jai Narain Thakur, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Doriganj P.S. Case No. 221 of 2023, registered for the offences punishable under Sections 147, 148, 323, 353, 501, 224 and 225 of the Indian Penal Code.

3. Allegedly the petitioners alongwith the others



obstructed the police personnel in discharging their official duties, while they were apprehending the accused Sonu Kumar @ Miyawa in connection with Doriganj P.S. Case no. 151 of 2023. It is further alleged that taking help of the petitioners and other co-accused, Sonu Kumar who was also accused in another case, succeeded in fleeing away by causing injury to one of the constable.

4. It is submitted on behalf of the petitioners that there is omnibus nature of allegation against the petitioners and others. So far the specific allegation of assault to the police personnel is concerned, the same has been attributed to Sonu Kumar @ Miyawa. She next submitted that surprisingly the F.I.R. has been instituted on 11.07.2023, but the same has been sent to the jurisdictional Court on 17.07.2023 and, as such, the deliberation in the F.I.R. cannot be ruled out. She lastly submits that, in fact on account of some past criminal antecedent of the petitioner nos. 1, 2, 3 and 4, their names have been implicated alongwith the others, who were just onlookers. She lastly submits that the petitioners undertake that they will cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the



petitioners have obstructed the police officials in discharging their duties and, as such, they do 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 and their undertaking before this Court, coupled with the delay in forwarding the F.I.R. to Magistrate, let the petitioners, above named, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Chhapra, Saran in connection with Doriganj P.S. Case No. 221 of 2023, 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 petitioners.

(Harish Kumar, J)

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