

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No.66129 of 2022**

Arising Out of PS. Case No.-460 Year-2020 Thana- MUFFASIL District- West Champaran

1. Raees Ram @ Rohit Kumar S/o Parmanand Ram R/o Village- Baswariya, Ambedkar Nagar, P.S.- Bettiah Town, Distt- West Champaran.
2. Vinay Ram @ Vinay Kumar S/o Satrudhan Ram R/o Village- Baswariya, Ambedkar Nagar, P.S.- Bettiah Town, Distt- West Champaran.
3. Amarnath Ram S/o Late Raghvir Ram R/o Village- Baswariya, Ambedkar Nagar, P.S.- Bettiah Town, Distt- West Champaran.
4. Deepak Ram @ Deepak Kumar S/o Shivshankar Ram R/o Village- Baswariya, Ambedkar Nagar, P.S.- Bettiah Town, Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

**ORAL ORDER**

2      11-04-2023      Learned counsel for the petitioners submit that during the pendency of the case, the petitioner no.4, namely, Deepak Ram @ Deepak Kumar has been arrested and as such the case against him has become infructuous.

Heard the parties.

The petitioner is apprehending arrest in connection with Bettiah Mufassil P.S. Case No. 460 of 2020 under sections 147, 148, 149, 323, 324, 307, 353, 427, 279, 337, 338, 504, 506, 188, 369, 270, 27 of the Indian Penal Code and section 3 of the Epidemic Disease Act lodged on 29.7.2020 by the informant namely Rajiv Nandan Sinha.

The prosecution story, in brief, is that the informant, Rajiv Nandan Sinha, a Police Officer presently posted at Muffasil gave a written application before the S.H.O. on



29.07.2020 stating that he along with other police personnel reached near Nawka Tola Nahar (canal) at about 12:40 PM. There they saw the people making hue and cry and fighting with each other. The informant and other police personnel went there to know the reason of quarrel whereupon were informed that there was a fight between accused petitioners Sunil Patel, Deepak Patel, Mukesh Patel and Golu Ram for smoking cigarette and due to this hundreds of people from village Baswariya gathered at Nawka Tola canal and committed 'mar-pit'.

When the informant and other police personnel came to pacify the matter, allegation is that the accused persons and 150 unknown persons started 'mar-pit' with police personnel causing injury and those who got injured were sent to M.J.K. Hospital, Bettiah for treatment. Afterwards, the crowd was dispersed by informant and other police personnel and the matter was pacified. The accused persons knowingly violated the rules of lock-down (COVID 19).

Learned counsel for the petitioners submit that omnibus allegation against all the accused persons have been made and further the entire matter arose out of a quarrel that happened between Sunil Patel, Deepak and Mukesh Patel with



whom the petitioners do not have any association.

It is his further submission that the said named accused persons have already been granted the privilege of anticipatory bail vide Cr. Misc. No. 45847 of 2022 dated 01.12.2022.

Let the same be kept on record.

In view of the aforesaid submission put forward by the learned counsel for the petitioners as also that the omnibus allegation is there and as the FIR have been lodged, they will have to face the trial, this Court is inclined to grant them the privilege of anticipatory bail except petitioner no.4.

Let the petitioners (except petitioner no.4) 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 Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Mufassil P.S. Case No. 460 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Rajiv Roy, J)**

Ravi/Kiran

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