

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66149 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- CHHAURADANO District- East
Champaran

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1. Surendra Paswan S/O Late Ramadhar Paswan R/O Village Juafar, P.S- Chhauradano, District- East Champaran, Motihari
 2. Bhola Sah S/O Ramashray Sah R/O Village- Juafar, P.S- Chhauradano, District- East Champaran, Motihari
 3. Tabrakh Miya @ Tabrakha Miya S/O Mahboob Mian R/O Village- Juafar, P.S- Chhauradano, District- East Champaran, Motihari
 4. Mishri Paswan S/O Jankdhari Paswan R/O Village- Jainagar, P.S- Chauradano, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-03-2023 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

The petitioners seeks bail in connection with Chhauradano P.S. Case No.299 of 2021 registered for the offence under Sections 188, 147, 148, 149, 341, 323, 324, 326, 307, 332, 333, 353, 379, 337, 338, 427, 290, 171(C) and 171(H) of the Indian Penal Code and Section 126 of the R.P. Act.

All accused/petitioners are named in the F.I.R., where petitioner no.1 is in custody since 06.07.2022, petitioner no.2 is in custody since 06.08.2022 and petitioner no. 3 and 4 are in



custody since 23.05.2022.

The allegation against the petitioners is to stop the person carrying EVM for local panchayat elections by means of undue influence and illegal payments.

Learned counsel appearing on behalf of the petitioners submitted that the thrust of allegation as per F.I.R. is available against co-accused, namely Sonu Kumar, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 13089 of 2022 vide order dated 10.08.2022. It is submitted that all four petitioners are appearing part of the mob without having any attributed overt act towards the commissions of alleged offence. While concluding the argument, it is submitted that petitioner no. 1 and 2 found involved in one more case, where they are on bail, whereas petitioner no. 3 and 4 are man of clean antecedent moreover investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and as maximum allegation against these petitioners



appears to be part of mob only, where the thrust of allegation is available against co-accused, Sonu Kumar, coupled with the fact that charge-sheet has already been submitted, let all above named petitioners are directed to be released on bail in connection with Chhauradano P.S. Case No.299 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Raxaul, Motihari, East Champaran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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