

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70453 of 2022

Arising Out of PS. Case No.-91 Year-2016 Thana- RAJEPUR District- East Champaran

1. Kundan Kumar @ Kundan Chaurasia Son Of Sri Kripa Narayan Chaurasia Resident Of Village - Tetariya, P.S.- Rajepur, District - East Champaran.
2. Ram Narayan Sah Son Of Late Shankar Sah Resident Of Village - Tetariya, P.S.- Rajepur, District - East Champaran.
3. Mithlesh Kumar Son Of Sri Tarachandra Prasad Gupta Resident Of Village - Tetariya, P.S.- Rajepur, District - East Champaran.
4. Ratnesh Kumar Son Of Sri Tarachandra Prasad Gupta Resident Of Village - Tetariya, P.S.- Rajepur, District - East Champaran.
5. Manoj Kumar Son Of Late Hiralal Sah Resident Of Village - Tetariya, P.S.- Rajepur, District - East Champaran.
6. Jitendra Sahani Son Of Ramvaran Sahani Resident Of Village - Gheghwa, P.S.- Madhuban, District - East Champaran.
7. Yogi Sahani @ Jogi Sahani Son Of Bhado Sahani Resident Of Village - Kothiya, P.S.- Madhuban, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-04-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioners are not named in the F.I.R. and apprehend their arrest in connection with Rajepur P.S. Case



No. 91 of 2016 registered for the offences punishable under Sections 144, 147, 452, 341, 342, 323, 504, 506, 353 and 120-B of the Indian Penal Code (in short 'I.P.C.').

The allegation against these petitioners is to damage the Government vehicle of B.D.O. (Block Development Officer) of Tetariya, East Champaran bearing registration no. BR05H5736, alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioners submitted that the name of petitioners surfaced during the course of investigation on the basis of suspicion and hearsay input. It is submitted that no specific overt act is attributed against these petitioners and allegation is appearing very much general and omnibus. It is pointed out that several similarly situated co-accused persons have already been granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 26064 of 2022 vide order dated 14.11.2022. While concluding the argument it is submitted that petitioners found involved in 13 more criminal cases starting from Rajepur P.S. Case No. 75 of 2016 to Rajepur P.S. Case No. 87 of 2016, which were lodged on same day i.e., 26.07.2016 and in all these cases, petitioners are on bail.

Learned APP for the State opposes the prayer of bail.



Considering the aforesaid facts and circumstances as mentioned above, as petitioners appeared to be the part of mob only facing general and omnibus allegation, accordingly, all above named petitioners, in the event of their arrest or surrender before the Court below within a period of four weeks, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sadar, East Champaran/concerned Court, where the case is pending in connection with Rajepur P.S. Case No. 91 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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