

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20906 of 2024

Arising Out of PS. Case No.-264 Year-2023 Thana- UCHKAGAON District- Gopalganj

1. CHABILA SAH SON OF LT. HIRA SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
2. SWAMI NATH SAH SON OF LT. NARAYAN SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
3. TARKESHWAR BHAGAT SON OF LATE RAMAVTAR BHAGAT RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
4. MANU KUMAR @ MANU GUPTA SON OF SRI LALAN SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
5. SURENDRA SAH SON OF LATE TEEMAL SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
6. GOVIND SAH SON OF SRI BUNELA SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
7. HARENDRA SAH SON OF LATE TEEMAL SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
8. AJEET SAH SON OF SRI MANGAL SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
9. SHAMBHU SAH SON OF LT. KASHI SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
10. RAMAYAN SAH @ RAJBARAN SAH SON OF LATE BHAGAT SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
11. DILIP SAH @ SUNIL SAH SON OF SRI CHABILA SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
12. LADOO SAH @ LADOO KUMAR SAH SON OF ANUPRAJ SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
13. GUDDU KUMAR @ GUDDU PRASAD SON OF LT. SUBHASH BHAGAT RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
14. AAKASH KUMAR SON OF SRI LAL BAHADUR BHAGAT RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR



15. SANDEEP SAH SON OF SRI BIRENDRA SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
16. RISHI DEV SAH SON OF LT. BANDHU SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
17. MUNESHWAR BHAGAT SON OF LATE MOTI BHAGAT RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
18. FATMA KHATOON WIFE OF AMIR ALAM RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
19. JITENDRA BHAGAT SON OF SRI CHANDESHWAR BHAGAT RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
20. FUL MOHAMMAD MIYA @ FUL MOHAMMAD SON OF LT. MAQBOOL MIYA RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
21. LAL MOHAMMAD MIYA @ LAL MOHAMMAD SON OF LT. MAQBOOL MIYA RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
22. NAGINA SAH SON OF LT. GAURI SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
23. ABHISHEK @ GORAKH KUMAR @ GORAKH PRASAD SON OF SRI TARKESHWAR BHAGAT RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
24. RANJAN @ GODHAN KUMAR @ GODHAN PRASAD SON OF SRI PRITHVI BHAGAT RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
25. AMAR BIN SON OF LT. SHANKAR BIN RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
26. SUGRIM SAH @ SUGRIV GUPTA SON OF SRI MAHATAM SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
27. RAJKARAN SAH @ RAJBARAN SAH SON OF SRI RAJENDRA SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
28. BASANT SAH SON OF SRI RAJENDRA SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
29. ARJUN KUMAR @ ARJUN SAH SON OF SRI DODA SAH RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR



30. AMARJEET KUMAR @ AMARJEET SAH SON OF LT. LALU SAH
RESIDENT OF VILLAGE - SHYAMPUR, NONIYA TOLA, P.S. -
UCHKAGAON, DISTRICT - GOPALGANJ, BIHAR
31. RAMVICHAR BHAGAT @ RAMVICHAR SINGH SON OF LT.
SHIVCHANDRA BHAGAT RESIDENT OF VILLAGE - SHYAMPUR,
NONIYA TOLA, P.S. - UCHKAGAON, DISTRICT - GOPALGANJ,
BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Yadav, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Upendra Yadav, learned counsel for the

petitioners and Mr. Umesh Lal Verma, learned APP for the

State.

2. The petitioners are apprehending their arrest in
connection with Uchakagaon P.S. Case No. 264 of 2023, F.I.R.
dated 14.07.2023 registered for the offences punishable under
Sections 147, 148, 149, 323, 332, 333, 353, 290, 504, 506 of the
Indian Penal Code.

3. The prosecution case, in brief, is that they along
F.I.R. named accused persons and 400 other unknown accused
persons gathered at Shyampur Chauraha and are staging a
protest by keeping the dead body of deceased of Uchkagaon P.S.
Case No. 261 of 2023 namely Harikishun Sah. It is further



stated that all the accused persons having armed with lathi, danda and other deadly weapons have completely blocked all the four roads of Shyampur Chauraha and were protesting by burning tyres. It is further stated that because of protest Mairwa-Kuchaikote and Gopalganj-Bathua Bazar main road remained blocked for about 4 hours which caused inconvenience to public at large and thereafter additional force was called from adjoining police stations and the jam was removed.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that the name of the petitioner has been transpired only on the basis of local choukidar and it appears from the F.I.R. the informant has lodged the present F.I.R. against 58 named persons and 400 unknown persons.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that the petitioners having clean antecedents and there is no specific allegation of



any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-IX, Gopalganj in connection with Uchakagaon P.S. Case No. 264 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall



verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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