

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28623 of 2024

Arising Out of PS. Case No.-763 Year-2023 Thana- CHANPATIA District- West Champaran

1. Prabhawati Devi W/O Pramod Mahto R/O Village- Garbhuwa Lal Tola, P.S- Sirsiya O.P., Distt.- West Champaran.
2. Geeta Devi W/O Vinod Mahto R/O Village- Garbhuwa Lal Tola, P.S- Sirsiya O.P., Distt.- West Champaran.
3. Sandeep Kumar S/O Vinod Mahto R/O Village- Garbhuwa Lal Tola, P.S- Sirsiya O.P., Distt.- West Champaran.
4. Daddu Mahto @ Daddu Kumar @ Radheyshyam Kumar S/O Pramod Mahto R/O Village- Garbhuwa Lal Tola, P.S- Sirsiya O.P., Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Adv

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The Petitioners are apprehending their arrest in connection with Chanpatia Sirisiya O.P. P.S. Case No. 763 of 2023 dated 25.12.2023 of the offences punishable u/s 186, 188, 353, 504, 379, 511, 34 of the I.P.C. and Section 45 of the Bihar Prohibition and Excise Act 2018.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have abused and pelted bricks and stones on the police officials causing hindrance in discharge



of official duties of the police personnel.

4. Learned counsel for the petitioners have submitted that the petitioners are innocent and have falsely been implicated in this case. The name of the petitioners has transpired in this case only on the instant of villagers. There are general and omnibus allegation against the petitioners. The petitioners have no concern with the alleged recovery. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 19.03.2024 passed in Cr. Misc. No. 18464 of 2024. No incriminating article has been recovered from the conscious possession of the petitioners. The petitioner nos. 1 and 2 are lady. The petitioner nos. 1 and 2 have one criminal antecedent and the petitioner nos. 3 and 4 have clean antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like



amount each to the satisfaction of the learned court concerned,
West Champaran in connection with Chanpatia Sirisiya O.P. P.S.
Case No. 763 of 2023 subject to conditions as laid down under
section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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