

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35026 of 2024

Arising Out of PS. Case No.-653 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

-
1. Sushil Singh @ Susil Singh S/O Nokhe Singh @ Raghunandan Singh @ Raghunandan Prasad Singh R/O Village- Iniyar, Ward No. 10, Danauli Phulwaria, P.S- Muffasil, Lakho O.P., Distt.- Begusarai.
 2. Budhan Singh @ Budan Singh S/O Nawal Singh @ Nawal Kishore Singh @ Naval Kishore Singh R/O Village- Iniyar, Ward No. 10, Danauli Phulwaria, P.S- Muffasil, Lakho O.P., Distt.- Begusarai.
 3. Mangal Singh @ Chandan Singh S/O Shekho Singh @ Sheko Singh @ Chandra Shekhar Singh R/O Village- Iniyar, Ward No. 10, Danauli Phulwaria, P.S- Muffasil, Lakho O.P., Distt.- Begusarai.
 4. Chhote Singh @ Arun Singh S/O Indradeo Singh R/O Village- Iniyar, Ward No. 10, Danauli Phulwaria, P.S- Muffasil, Lakho O.P., Distt.- Begusarai.
 5. Chhote Singh @ Chhotu Singh @ Raja Kumar S/O Late Wakil Singh @ Wakil Singh R/O Village- Iniyar, Ward No. 10, Danauli Phulwaria, P.S- Muffasil, Lakho O.P., Distt.- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-05-2024 Heard Mr. Sandip Kumar Gautam, learned counsel for
the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Muffasil P.S. Case No. 653 of 2023 registered for the offences punishable under Sections 143, 341, 323, 353, 414 of the Indian Penal Code.

3. Allegedly, when the ASI of Lakho O.P. proceeded for conducting raid along with other police personnel at the



house of Murari Kumar, who was wanting in some criminal cases, in the meantime, noticing the police party, he started fleeing away, however, on chase he was apprehended. On this, the family members of co-accused Murari Kumar created ruckus and succeeded in removing him from the clutches of the police. The accused persons in this way created obstruction in discharge of the official duty. On the place of occurrence, one Apache motorcycle was also recovered, which is said to a looted motorcycle in connection with Muffasil P.S. Case No. 561 of 2023.

4. Learned counsel for the petitioners contended that the FIR has been instituted against 11 named accused persons and 10 to 15 unknown persons without any specific allegation. Moreover, the alleged occurrence took place on 29.10.2023 but, surprisingly, the instant FIR has been instituted on 04.11.2023 without there being assigning any reason for delay. It is further contended that the name of the petitioners have been implicated only on account of their past criminal antecedent. It is categorically stated in para-3 of the bail application that petitioner nos. 1 and 2 have no criminal antecedent whereas petitioner no. 3 has one criminal antecedent; petitioner no. 4 has two criminal antecedent and petitioner no.5 has one criminal



antecedent, however, they are on bail in those cases. It is lastly contended that the petitioners undertake that they will fully abide by the terms and conditions as would be imposed by this Court and they will fully cooperate in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the looted motorcycle has been recovered from the place of occurrence and all the petitioners were found involved in removing the co-accused Murari Kumar from the clutches of the police.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that later on, co-accused Murari Kumar was apprehended by the police; coupled with the delay in lodging of the FIR, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Muffasil P.S. Case No. 653 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further



condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

