

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27050 of 2024

Arising Out of PS. Case No.-470 Year-2022 Thana- CHIRAIYA District- East Champaran

Ritesh Kumar, Son of Arun Raut, Resident of Village- Partapur, P.S.-
Chiraiya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34167 of 2024

Arising Out of PS. Case No.-470 Year-2022 Thana- CHIRAIYA District- East Champaran

Urmila Devi @ Rekha Devi, W/o Ritesh Kumar, R/O Vill.- Partapur, P.S.-
Chiraiya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 27050 of 2024)

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 34167 of 2024)

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-06-2024 Heard Mr. Ajay Kumar Singh, learned Advocate for

the petitioners and the learned APP for the State.

2. Both the applications are arising out of the same
police station case and, as such, are being heard together with
the consent of parties and are disposed of by the common order.

3. The petitioners are apprehending their arrest in
connection with Chiraiya P.S. Case No. 470 of 2022 initially
registered for the offences under Sections 147, 148, 149, 341,



323, 307, 353, 332, 151 and 504 of the Indian Penal Code.

4. The allegation against the petitioners is of creating obstructions in discharge of official duty of police personnel and administration, while they were removing the encroachments. It is also alleged that the accused persons also damaged the Government vehicles and caused injury to Government officials, who were discharging the public duties.

5. Learned advocate for the petitioners contended that allegedly the F.I.R. has been instituted against 40-50 unknown persons and there is no specific allegation levelled against anyone. It is further contended that in fact when the police personnel came at the spot to remove the encroachments, the alleged encroachers requested for some time so that they can themselves remove the encroachment, but the same has not been allowed, which resulted into resentment in the public at large and thereafter a protest was made. In a scuffle took place between the police personnel and public at large, some of the persons have sustained injuries, but injuries are not found to be serious in natures. Taking note of all the aforesaid facts, co-accused persons, having identical allegation, have been allowed the privilege of anticipatory bail by this Court in Cr. Misc. No. 61725 of 2023 vide order dated 16.10.2023. Both the petitioners



having fair antecedent and undertake that they will fully cooperate in the investigation and proceedings of the Court.

6. On the other hand, learned APP for the State opposes the bail applications.

7. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that none of the persons have sustained any serious injuries, coupled with the fact that co-accused persons, having identical allegation, have been allowed the privilege of anticipatory bail, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikarhana at Dhaka, East Champaran, Motihari in connection with Chiraia P.S. Case No. 470 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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