

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39240 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- MADHUBAN District- East Champaran

1. Pinki Devi wife of Raj Mangal Ram @ Mangal Ram Village- Bajitpur Ps- Madhuban Dist- East Champaran
2. Shri Ram Kumar son of Ram Sewak Ram Village- Bajitpur Ps- Madhuban Dist- East Champaran
3. Avishek Kumar @ Manu Ram @ Monnu Ram son of Mangal Ram Village- Bajitpur Ps- Madhuban Dist- East Champaran
4. Avinash Kumar @ Abhinash Ram son of Ram Sewak Ram Village- Bajitpur Ps- Madhuban Dist- East Champaran
5. Om Prakash Ram @ Om Prakash Kumar @ Prakash Ram son of Ram Surat Ram Village- Bajitpur Ps- Madhuban Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Ranjan
For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-07-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 337, 325, 307, 332, 333, 353, 427, 504 and 506 of the Indian Penal Code and Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984.
3. The learned counsel for the petitioners submits that



the petitioners are persons with clean antecedent and the informant alleges that an accident occurred as a four wheeler vehicle dashed and entered a hut, thereafter, a crowd gathered with an intention to assault the driver and the inmates of the car, which had caused accident. It is next alleged that when informant tried to reason out with the mob, the mob was not willing to listen and got agitated and even assaulted the police personnel causing injury and damaged the police vehicle and the miscreants were identified by the Chaukidar.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case. It is also submitted that allegation of assault is general and omnibus in nature. It is next submitted that it does not appear probable that Chaukidar would have identified so many persons against whom, it is alleged that they gathered when the accident took place. It is also submitted that petitioners are close-by residents of the place where the occurrence is alleged to have taken place and as a spectator, they also went to the place of occurrence and came to be implicated at the instance of Chaukidar.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned



counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, East Champaran at Motihari in connection with Madhuban P. S. Case No.42 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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