

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39833 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- YADOPUR District- Gopalganj

1. Mubarak Miyan Son of Late Hasan Miyan Village- Jamunia, PS -Jagdishpur, District -West Champaran at Bettiah.
2. Manir Alam Son of Mubarak Miyan Village- Jamunia, PS -Jagdishpur, District -West Champaran at Bettiah.
3. Manohar Alam Son of Mubarak Miyan Village- Jamunia, PS -Jagdishpur, District -West Champaran at Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devashish Giri, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with
Yadopur P.S. Case No. 38 of 2024 instituted for the offences
under Sections 147, 148, 341, 323, 307, 353 of the Indian Penal
Code.

3. As per prosecution case, the police, on receipt of
information that some unsocial elements have blocked the road
and are committing vandalism, reached at the place of
occurrence and saw that 15-20 persons having *lathi-danda* in
their hand were destroying the vehicle. When the Informant



tried to stop them, they attacked on the police team in which the Informant sustained injury on his head and other officials also sustained injury. The petitioners were arrested at the place of occurrence.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. Learned counsel for the petitioners submits that the owner of the alleged Mahendra Bolera Pickup vehicle bearing Regd. No. BR06S-4689 is the Kadir Miyan and petitioner no.2 is the driver of the aforesaid Pick-up vehicle whereas petitioner nos. 1 & 3 are the helpers. He further submits that the petitioners were not the part of the local villagers who were committing vandalism rather they were objecting for the same and in the meanwhile, the petitioners informed the police through phone call about the vandalism being committed by the local villagers. Thus, the petitioners are not the part of the unsocial elements who damaged the pick-up vehicle and Wagon-R car. There is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. The petitioners have no criminal antecedent and are languishing in judicial custody since 11.03.2024 without



any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Yadopur P.S. Case No. 38 of 2024.

(Rudra Prakash Mishra, J)

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