

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43441 of 2024

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

1. Upendra Kumar @ Upendra Rajak S/o Mahender Rajak R/o Village-Bajipur, P.S.-Madhuban, District-East Champaran
2. Dharmendra Rajak @ Shashi Bhushan S/o Mahender Rajak R/o Village-Bajipur, P.S.-Madhuban, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-07-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend 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. 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 intent to assault the driver and the inmates of the car, when



informant tried to reason out with the mob, the mob was not willing to listen 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 next submitted that allegation of assault is general and omnibus in nature. It is also submitted that it does not appear probable that Chaukidar would have identified so many persons against whom, it is alleged that they had gathered when the accident took place. It is also submitted that petitioners are close by resident of the place where the occurrence is alleged to have taken place and as a spectators, they were also present at the place of occurrence when they came to be implicated.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 from today, be released on anticipatory 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 trial court where the case is pending/successor court in connection with Madhuban P.S. Case No.42/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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