

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46570 of 2024

Arising Out of PS. Case No.-75 Year-2013 Thana- LAHERIYASARAI District- Darbhanga

1. Shyam Bharti S/o Late Jageshwar Paswan R/o vill - Mirzapur Dekuli, P.S. - Bahadurpur, Distt. - Darbhanga
2. Narendra Mandal S/o Late Ram Sevak Mandal R/o vill - Brahmapur, P.S. - Kamtaul, Distt. - Darbhanga
3. Lalan Chaudhary @ Lalan Choudhary S/o Late Vishwanath Chaudhary R/o vill - Kharajpur, P.S. - Bahadurpur, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan
For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner no.1.

3. Permission is accorded.

4. The present application is dismissed as withdrawn on behalf of petitioner no.1 and now it is being pressed for consideration of bail of petitioner nos.2 and 3 only.

5. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 143, 341, 342, 447 and 353 IPC.



6. Allegedly, 200 persons including the petitioners are said to have obstructed the traffic during *Bharat Band* and as a result of which, several persons could not reach their offices and patients could not reach to the hospital.

7. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case merely on suspicion. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that the petitioners have enjoyed the benefit of section 41(a) of the Cr.P.C. Though the occurrence is of the year, 2013 but charge sheet has been submitted in 2023 and no proper summon was issued to the petitioners. When the petitioners came to know about this case, they preferred anticipatory bail before the Court below but the same was rejected. Petitioner nos.2 and 3 have one criminal antecedent each and are aged 86 years and 72 years.

8. Learned APP for the State opposed the prayer for bail.

9. Having regard to the facts and circumstances of the case, let the above named petitioner nos.2 and 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing



bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Laheriasarai P.S. Case No.75 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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