

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65554 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- KESARIA District- East Champaran

Niraj Kumar S/o- Birendra Sah Resident of Village- Dhekahn, P.S.- Kesariya,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 66437 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- KESARIA District- East Champaran

Suraj Kumar S/o- Badri Sah R/O- Dhekahan, P.S- Kesariya, District- East
Champaran at Mothari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 65554 of 2024)
For the Petitioner/s : Mr. Dhurendra Kumar, Advocate
For the State : Mr. Md. Matloob Rab, APP
For the Informant : Mr. Vijay Shankar Shrivastava, Advocate
(In CRIMINAL MISCELLANEOUS No. 66437 of 2024)
For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the State : Mr. Rajendra Singh, APP
For the Informant : Mr. Vijay Shankar Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-12-2024 Heard learned counsels for the parties.

2. As both these bail applications have cropped up from the
same police station case number, hence, with consent of parties,
they are being heard together and disposed of by this common
order.

3. The petitioners apprehends their arrest in a case registered



for the offence punishable under Sections 147, 341, 323, 448, 304, 504, 506, 149 of the Indian Penal Code.

4. As per the FIR, the petitioners and other co-accused persons, forming an unlawful assembly entered in to the Madhaymik Vidyalaya, Dhekahan Math, and began to hurl filthy words and also scuffled with the teachers. When the father of the informant, who was the headmaster of the said school went to intervene, then co-accused Ramlal Sah, Pawan Kumar Gupta and the petitioners caught his collar and dragged him. In the due course, he became unconscious and was later on declared dead in the hospital by the doctors.

5. 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. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. It is further submitted that as per the post mortem report of the deceased the cause of his death is cardiac arrest. It is also submitted that some of the witnesses have not supported the prosecution case. Petitioners have no criminal antecedent.



6. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.
7. Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioners, let the above named petitioners, 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 Kesariya P.S. Case No.113 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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