

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74762 of 2022

Arising Out of PS. Case No.-218 Year-2019 Thana- BARURAJ District- Muzaffarpur

1. MOTILAL DAS @ MOTI LAL DAS Son of Rudal Das Resident of Village- Khantari Mahanand, P.S.- Baruraj, District- Muzaffarpur
2. YOGENDRA DAS @ JOGINDRA DAS Son of Rudal Das @ Late Chhakauri Das Resident of Village- Khantari Mahanand, P.S.- Baruraj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Adv.

For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-02-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. At the very outset, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 2.

3. Permission is accorded.

4. Accordingly, the anticipatory bail application with respect to petitioner no. 2, YOGENDRA DAS @ JOGINDRA DAS is dismissed as withdrawn.

5. The petitioner no. 1, MOTILAL DAS @ MOTI LAL DAS seeks bail in anticipation of his arrest in a case registered in connection with Baruraj PS Case No. 218/2019 dated 04.11.2019 for the offences punishable under Sections



147, 148, 149, 341, 323, 337, 338, 386, 504, 307, 427 and 353 of the Indian Penal Code.

6. The learned counsel for the petitioners submits that petitioner no. 1 came to be falsely implicated in the present case. It is also submitted that the informant alleges that the accused persons including the petitioner came armed with Lathi, Danda inside the police station and pressurized to release the seized D.J. and on being refused by the informant, they pelted stones and also created ruckus causing damage to the chairs and tables of the police station. It is next submitted that no such occurrence ever took place. Petitioner has been falsely implicated in this case and the allegation against the petitioner is general and omnibus in nature and even presuming what has been alleged is true without admitting that petitioner merely was one of the members of the mob and was raising slogans against the illegal act of the police. It is also submitted that similarly situated co-accused persons, Mahadev Das and Prabhu Das have been granted the privilege of anticipatory bail by the learned Co-ordinate Bench *vide* order dated 24.02.2023 passed in Cr. Misc. No. 65830/2022

7. Learned A.P.P. opposes the anticipatory bail application of the petitioner.



8. Considering the submissions made by the learned counsel for the petitioner, petitioner no. 1, namely, MOTILAL DAS @ MOTI LAL DAS, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Mahendra Kumar Mishra, learned Judicial Magistrate 1st Class, Muzaffarpur (West) where the case is pending in connection with Baruraj PS Case No. 218/2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

(Satyavrat Verma, J)

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