

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70807 of 2023

Arising Out of PS. Case No.-357 Year-2023 Thana- CHIRAIYA District- East Champaran

1. Hira Devi Wife Of Somnath Prasad Kushwaha R/O Village- Ambariya, P.S.- Shikarganj, District- East Champaran
2. Nawal Prasad Kushwaha @ Nawal Kishore Prasad Son Of Late Maharaj Prasad Kushwaha R/O Village- Ambariya, P.S.- Shikarganj, District- East Champaran
3. Lav Kush Kumar @ Lav Kush Das @ Lokush Das Son Of Vilash Das R/O Village- Ambariya, P.S.- Shikarganj, District- East Champaran
4. Rakesh Das Son Of Vilash Das R/O Village- Ambariya, P.S.- Shikarganj, District- East Champaran
5. Ajit Kumar @ Ravi Kumar Son Of Hiralal Prasad Kushwaha R/O Village- Ambariya, P.S.- Shikarganj, District- East Champaran
6. Chhotu Giri @ Chhotelal Giri @ Chhotelal Kumar Son Of Ramesh Giri R/O Village- Ambariya, P.S.- Shikarganj, District- East Champaran
7. Shekhar Kumar Son Of Lalan Das R/O Village- Ambariya, P.S.- Shikarganj, District- East Champaran
8. Sonu Bhagat @ Prakash Bhagat Son Of Achchelal Bhagat R/O Village- Ruphara, P.S.- Shikarganj, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71029 of 2023

Arising Out of PS. Case No.-357 Year-2023 Thana- CHIRAIYA District- East Champaran

1. Satish Kumar @ Satish Katariya Son Of Din Bandhu Kushwaha R/O Village- Ambariya, P.S.- Shikarganj, District- East Champaran
2. Jay Prakash Kushwaha @ Jay Prakash Kumar Sonof Sri Bhagwan Prasad Kushwaha R/O Village- Ambariya, P.S.- Shikarganj, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 70807 of 2023)

For the Petitioner/s : Mr.Ujjwal Kumar Singh

For the Opposite Party/s : Mr.Anant Kumar 1

(In CRIMINAL MISCELLANEOUS No. 71029 of 2023)

For the Petitioner/s : Mr.Ujjwal Kumar Singh

For the Opposite Party/s : Mr. Dilip Kumar No. 1



CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-02-2024 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.

2. Learned counsel for the petitioners submits that the petitioner no. 2 of Cr. Misc. No. 70807 of 2023 has been arrested by the police, therefore, he seeks permission to withdraw this application with regard to petitioner no. 2 of Cr. Misc. No. 70807 of 2023.

3. Permission is granted.

4. Accordingly, this application with regard to petitioner no 2 of Cr. Misc. No. 70807 of 2023 is dismissed as withdrawn.

5. Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State for consideration of bail with regard to rest of the petitioners.

6. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 323, 324, 326, 307, 337, 338, 379, 387, 448, 504, 506 of the Indian Penal Code and Section



7. As per FIR, all the FIR accused persons including these petitioners, who are members of restricted MCC organization, demanded Rs. 1,00,000/- as Rangdari from the son of the informant and when the son of the informant refused to fulfill the said demand, all accused persons and 50-60 unknown persons holding weapons in their hand with an intention to commit murder made firing on the friend of son of the informant due to which he sustained injury.

8. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the petitioners. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that the injuries found upon the victim are caused by hard and blunt object. He further submits that petitioner no. 4 of Cr. Misc. No. 70807 of 2023 has criminal antecedent and rest of the petitioners have no criminal antecedent as stated in para-3 of the bail application.

9. Learned APP for the State and learned counsel for the informant opposed the prayer for bail.

10. Considering the facts and circumstances of the case and the nature of allegation, I am not inclined to enlarge



the petitioners on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Chiraiya (Shikarganj) P.S. Case No. 357 of 2023.

(Anjani Kumar Sharan, J)

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