

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82281 of 2023

Arising Out of PS. Case No.-356 Year-2023 Thana- NOORSARAI District- Nalanda

1. Sushil Kumar Gautam Son Of Tetar Paswan Village- Muzzafarpur Ps- Noorsarai Dist- Nalanda
2. Nirtunjay Kumar @ Nirtenjay Kumar Son Of Rajkumar Paswan Village- Muzzafarpur Ps- Noorsarai Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Sharma, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-01-2024 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, 149, 341, 323, 337, 338, 307, 353, 354, 504, 506 and 188 of the Indian Penal Code.

3. Prosecution case, in short, is that on 26.07.2023 at about 07:10 am, informant got information that a boy died in road accident. On information, police personnel reached on the spot and found that the family members of the deceased and about 100 other villagers have blocked the road and created trouble to other passers by and other vehicles. The police party



stopped them from creating nuisance. In the meantime, about 50 villagers armed with rod, *danda* and bricks started forcibly stopping the vehicles and the crowd also pelting stones on the police and creating hindrance in official duty of the police personnel .

4. It is submitted by learned counsel for the petitioners that petitioners are innocent and have committed no offence as alleged. No such occurrence as alleged ever took place. They have been falsely implicated in this case due to village politics. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is submitted that nephew of the petitioners died in the road accident. Allegation against the petitioners is of protesting, pelting stones on police personnel and of creating hindrance in official duty of the police personnel. With the help of local *chaukidar* the petitioners were named in the present case. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

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

6. Having regard to the facts and circumstances of the case, considering the argument of the parties and perusal of the record there is no overt act against the petitioners is found, let the above named petitioners, be released on bail, in the event of



his 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) 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 Noorsarai P.S. Case No. 356 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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