

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82519 of 2023

Arising Out of PS. Case No.-434 Year-2023 Thana- LAHERIYASARAI District- Darbhanga

1. SWATANTRA KUMAR JHA SAGAR @ SWATANTRA KUMAR JHA SON OF ARVIND KUMAR JHA @ ARBIND KUMAR JHA R/O NAWADA, NAWADA, DARBHANGA, BENIPUR, BIHAR, 847201, P.S.-BAHERA, DISTRICT- DARBHANGA
2. AMIT KUMAR THAKUR SONS OF GOPAL THAKUR R/O WARD NO.11, POHADDI, POHADI, DARBHANGA, BIHAR- 847103, P.S.-BAHERA, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Srivastava, Adv Mr.Kalyan, Adv.
For the Opposite Party/s	:	Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Laheriasarai P.S. Case No. 434 of 2023 registered for the offences punishable under Sections 147, 149, 186, 188, 189, 341, 342, 323, 332, 353, 465, 427, 504, 506 of the Indian Penal Code and Section 3 of Prevention of Damage to Public Property Act, 1984.

3. As per prosecution case, petitioners and other are said to have obstructed the meeting of Zila Parishad and also created ruckus. It is further alleged that petitioner no. 1 tore the



government paper causing damage to government property. It is further alleged that petitioner no. 2 and others dashed the informant and used abusive language and they also obstructed the informant from discharging his official duty. It is further alleged that petitioner no. 1 and other tried to make entry in proceeding book of meeting on their own choice. It is further alleged that they also tried to snatch the proceeding book of meeting.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. She further submits that budget was not prepared for financial years 2021-22, 2022-23 and 2023-24 and the funds were used whimsically and disproportionately by the Chairman in connivance with C.E.O. of Zila Parishad. She further submits that petitioners have nothing to do with the alleged occurrence as petitioners being elected representatives raised their voice in meeting against the financial irregularities of Zila Parishad and due to said reason they have been falsely implicated in the present case with mala fide intention. She further submits that except Sections 332 and 353 of the IPC, all the sections, as mentioned in the FIR, are bailable in nature. The allegations in the given facts and circumstances of the case are



absurd and baseless and clearly shows the mala fide intention of the executive against the democratically elected members of a Panchayati Raj Institution. Petitioner no. 1 bears criminal antecedent of five cases and petitioner no. 2 bears criminal antecedent of two cases in which petitioners are on bail, as orally submitted by the learned counsel for the petitioners. Petitioners are in custody since 13.09.2023. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No. 434 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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