

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1513 of 2024**

Arising Out of PS. Case No.-387 Year-2015 Thana- GAYA MUFASIL District- Gaya

1. UMESH MISHTRY @ UMESH MISTRY @ UMESH SHARMA Son of Devki Mistri Resident of Village-Sohaipur, P.S.-Muffasil, District-Gaya
2. ENGLISH YADAV Son of Indradev Yadav Resident of Village-Sohaipur, P.S.-Muffasil, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA**

ORAL ORDER

2      29-01-2024                      Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioners seek pre-arrest bail in connection with Muffasil P. S. Case No. 387 of 2015 registered under Sections 147, 148, 149, 341, 323, 332, 333, 353, 307 and 504 of the Indian Penal Code and 27 of the Arms Act.

3. It is contended that the petitioners have been implicated in the present case due to executive arbitrariness and administrative highhandedness. In the FIR, altogether 37 persons have been named, including the petitioners apart from 400-500 unknown villagers on mere suspicion. It is further contended that there is no specific allegation as against the



petitioners and even otherwise, no damage to any Government property has been caused. It is also contended that in the given facts and circumstances, non-bailable offences punishable under Sections 353 and 307 of the Indian Penal Code are not attracted. Learned counsel for the petitioner submits that similarly co-accused persons have already been granted anticipatory bail by Co-ordinate Benches of this Court passed in Cr. Misc. No. 13728 of 2016 vide order dated 31.03.2016 and Cr. Misc. No. 40223 of 2017 vide order dated 30.08.2017.

4. On the other hand, learned counsel for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. He has also contended that a mob of about 400-500 persons, including the petitioners had created hurdle in discharge of official duty to the police and had blocked the road raising some protest.

5. Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above, who are the men of clean antecedent, are directed to be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Gaya in Muffasil P. S. Case No. 387 of 2015,  
subject to the conditions as laid down under Section 438 (2) of  
the Code of Criminal Procedure, with further condition that one  
of the bailors shall be close relative of the petitioners.

**(Ramesh Chand Malviya, J)**

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