

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1758 of 2025

Arising Out of PS. Case No.-520 Year-2022 Thana- CHHATAUNI District- East Champaran

Ajay Sah S/O Yadavalsah Resident of Village- Bara Bariyarpur, P.S-
Chhatauni, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
	:	Mr. Hemant Ray, Advocate
For the State	:	Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-01-2025 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner and Md. Ataur Rahman, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chhatauni P.S. Case No. 520 of 2022, F.I.R. dated 06.10.2022 for the offences punishable under Sections 147, 149, 341, 323, 307, 353, 332, 333 and 427 of the Indian Penal Code.

3. According to prosecution case, petitioner was a member of the Puja Samiti when some commotation took place, he instead of pacifying the mob instigated them to commit offence.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner has been made accused in this case merely on the ground that he is member of the Durga Pooja Samiti. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act against the petitioner and allegation against the petitioner is that he instead of pacifying the matter instigated the mob to commit the offence. He further submits that co-accused persons, namely, Dev Prakash @ Jaylal Sah and Jitendra Kumar have already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dt. 16.08.2023 passed in Cr. Misc. No. 49691 of 2023, co-accused persons, namely, Sita Ram Sah, Rahul Kumar Gupta @ Rahul Gupta, Raj Ranjan Kumar @ Raj Ranjan and Chhathu Thakur have already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dt. 28.07.2023 passed in Cr. Misc. No. 38908 of 2023, co-accused person, namely, Akash Kumar has already been granted the privilege of anticipatory bail by this Court vide order dt. 18.10.2023 passed in Cr. Misc. No. 58048 of 2023 and co-accused person, namely, Pappu Kumar has also been granted the privilege of anticipatory bail by a Co-ordinate Bench of this



Hon'ble Court vide order dt. 21.08.2023 passed in Cr. Misc. No. 54361 of 2023.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits on the basis of the paragraph no.3 of the bail petition that the petitioner is on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Chhatauni P.S. Case No. 520 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of B.N.S.S., 2022 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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