

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL Miscellaneous No.6264 of 2025

Arising Out of PS. Case No.-668 Year-2020 Thana- MAJHAULIA District- West
Champaran

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1. Nandu Prasad Kushwaha S/o- Late Kodia Mahto Village- Gurchurwa Ps-
Majhauria District- West Champaran
 2. Ramesh Prasad Kushwaha S/o- Gopinath Prasad Village- Gurchurwa Ps-
Majhauria District- West Champaran
 3. Harender Prasad @ Harender Prasad Sah S/o- Late Kanchan Sah Village-
Shyampur Baithaniya Ps- Majhauria District- West Champaran
 4. Yogender Sah S/o- Late Hari Sah Village- Shyampur Baithaniya Ps-
Majhauria District- West Champaran

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Brij Karehor Marehra, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-03-2025 1. Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arising out of Majhauria Police Station Case No. 668 of 2020,
disclosing offences under Sections 147, 148, 149, 269, 270, 271,
187, 188, 189, 341, 342, 332, 333, 353, 427 and 435 of the
Indian Penal Code, Section 3 of the Epidemic Disaster Act,
Section 3/4 of the Prevention of Damage to Public Property Act,
Section 26 of the Juvenile Justice (Care and Protection of the
Children) Act and Section 3/4 of the Bihar Loud Speaker Act.

3. As per the First Information Report lodged by the



Police Officer, on 22.09.2020 the informant got the information that petitioners along with accused persons total 250 in number have assembled at the gate of Sugar Mill, Majhaulia and were locking the gate. On the basis of the information, the Police party reached near the place of occurrence and saw several persons armed with deadly weapon were burning tyre and damaging the road. They were not listening the police advice and became violent and also not following the social distancing.

4. Learned Counsel for the petitioners submits that the petitioners have not committed any offence as alleged in the FIR and they have been made accused on the basis of the secret information. Altogether 6 persons including the petitioners are named in the FIR along with 250 unknown persons. The local people along with petitioners were protesting on the ground that Majhaulia Sugar Mill was emitting wastage as well as poisonous gas which was health hazard for the local residents. The newspaper of Hindi also published this article on 19.09.2020 that pollution was being caused by the Sugar Mill in question.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the FIR is of 2020 (about 5 years back) and anticipatory bail application



of the petitioners was rejected on 25.01.2021 which have been impugned in the present application, the petitioners have moved this Court challenging the impugned order of 2021 seeking anticipatory bail. Accordingly, I am not inclined to grant the anticipatory bail to the petitioners after a lapse of 5 years from the date of the FIR and 4 years of the date of passing of the impugned order.

6. The anticipatory bail application is, accordingly, dismissed.

7. However, petitioners may surrender and seek regular bail. The same may be considered by the concerned Court without being prejudiced to the fact that anticipatory bail application of the petitioners has been dismissed by this Court.

(Anil Kumar Sinha, J)

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