

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7288 of 2025

Arising Out of PS. Case No.-530 Year-2024 Thana- MOTIHARI MUFASIL District- East Champaran

- 1. Mithilesh Chaurasiya Son of Jamadar Bhagat Village- Basman Bhawanipur, P.S.- Muffasil, Motihari, District- East Champaran
- 2. Ram Babu Bhagat Son of Late Baldeo Bhagat Village- Basman Bhawanipur, P.S.- Muffasil, Motihari, District- East Champaran
- 3. Umesh Bhagat Son of Vindeshwari Bhagat Village- Basman Bhawanipur, P.S.- Muffasil, Motihari, District- East Champaran
- 4. Surendra Bhagat Son of Late Jhagaru Bhagat Village- Basman Bhawanipur, P.S.- Muffasil, Motihari, District- East Champaran
- 5. Lagan Bhagat Son of Late Punit Bhagat Village- Basman Bhawanipur, P.S.- Muffasil, Motihari, District- East Champaran
- 6. Lakhendra Bhagat Son of Suket Bhagat Village- Basman Bhawanipur, P.S.- Muffasil, Motihari, District- East Champaran
- 7. Devendra Bhagat Son of Gagandeo Bhagat Village- Basman Bhawanipur, P.S.- Muffasil, Motihari, District- East Champaran
- 8. Kameshwar Rai Son of Bhagwat Rai Village- Basman Bhawanipur, P.S.- Muffasil, Motihari, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma
Ms. Sachina
For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 313-05-2025
1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Muffasil Police Station Case No. 530 of 2024, dated 02.11.2024, disclosing offences punishable under Sections 191(2)/190/126(2)/115(2)/121(1)/119/132/221/



262/263 of the Bhartiya Nyaya Sanhita, 2023.

3. The prosecution case, as per the First Information Report, is that on 02.11.2024, while the informant, who is the Chowkidar of the area, was roaming in his area, he saw one Shailendra Rai, accused of Mufassil Police Station Case No. 451 of 2024 and on seeing him, Shailendra Rai tried to flee away but he was caught by the informant and he informed the police. In the mean while, said Shailendra Rai started assaulting the informant and then the son of the informant came there and caught Shailendra Rai. Thereafter, said Shailendra Rai called for help and the villagers came there and freed him from the custody of the Chowkidar. When the police reached there, all the accused persons, including the petitioners, fled away.
4. Learned Counsel for the petitioners submits that the petitioners are innocent and have not committed any offence in the manner alleged. He further submits that the co-accused Shailendra Rai is the Ward Member of the area and a case was lodged by one Khakhia Devi with regard to the construction of drainage on the land of Khakhia Devi since he was the incharge of the Nal-Jal



Yojana. He further submits that co-accused Shailendra Rai had no knowledge of the institution of the case and for the first time, he came to know about the institution of the case when the son of the informant came to his house and demanded money on behalf of the Police Station from him and when the co-accused Shailendra Rai objected to it, the informant himself came to him and attempted to apprehend him having no lawful authority to do so, which led to the reaction from the villagers against the informant and his son and seeing the resistance from the villagers, they fled away and later called the police. The police came and arrested the co-accused Shailendra Rai on the same day and was produced before the Chief Judicial Magistrate, East Champaran, at Motihari, who immediately released the co-accused Shailendra Rai on bail. He lastly submits that there is general and omnibus allegation against the petitioners and the present case is baseless, motivated by personal vendetta and is a gross misuse of legal process.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the allegation against the petitioners is general and



omnibus in nature and co-accused Shailendra Rai, who was arrested by the Police on the same day, was released on bail by learned Chief Judicial Magistrate, East Champaran, at Motihari, I am inclined to grant the petitioners privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Mufassil Police Station Case No. 530 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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