

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32990 of 2025**

Arising Out of PS. Case No.-471 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Nitesh Kumar Das @ Nitesh Das @ Nitish Kumar Das, aged about 32 years, Male, S/o- Brij Mohan Das @ Bhaj Mohan Das, Resident of village- Dharmuhan Parauliya, P.S-Piprakothi, District- East Champaran.
 2. Shukumar Deonath @ Shuku Kumar Deonath, aged about 26 years, Male, S/o- Nimai Deonath @ Nimai Chandra Devnath, R/O Village- Dharmuhan Padauliya, P.S.- Piprakothi, Dist- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party : Mr. Md. Fahimuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 18-07-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Muffasil Motihari P.S. Case No. 471 of 2023 dated 03.07.2023 registered for the offences punishable under Sections 147, 148, 149, 333, 353, 341, 427, 504, 506 of the I.P.C. and Sections ¾ of the Damage to Public Property Act.

3. As per the prosecution case, 40-45 unknown miscreants are alleged to have blocked the main road and they



were burning tires on the road and causing damage to the public vehicles. The informant tried to pacify the situation but the accused persons started raising slogans against the police party. In the meantime, the accused persons holding lathi, danda, bricks and stones, attacked the police party, due to which, they sustained injury. It is further alleged that the accused persons caused hindrance in discharge of official duty of the informant and the other police officials. It is further alleged that police apprehended five persons, namely, Uday Kumar Yadav, Ramu Kumar, Aakash Kumar, Pawan Kumar and Rajesh Kumar and they disclosed the name of the petitioners and the others as the fleeing persons from the place of occurrence. They further disclosed that 15-20 miscreants also fled away from the place of occurrence but they could not be identified them.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that the petitioners were not arrested on the spot and their names have surfaced in the present case on the basis of the confessional statement of the apprehended co-accused persons which has got no evidentiary value in the eyes of law. The petitioners are only passerby on the alleged date and time of occurrence but due to inimical terms



they have falsely been implicated in the present case. It is further submitted that the injured Manoj Kumar Singh and Manish Kumar received injuries which are simple in nature. The petitioners have no concern with the alleged offence. It is further submitted that other co-accused persons, Manish Yadav, Sukul Paswan, Amar Jeet Paswan and Siya Ram Kumar have already been granted anticipatory bail by a Bench of this Court in Cr. Misc. No. 9807 of 2024 vide order dated 28.02.2024, annexed as Annexure-3 to the present bail petition. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Muffasil Motihari P.S. Case No. 471 of 2023, subject to the condition as laid down under Section 482(2) of the B.N.S., 2023.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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