

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36952 of 2025

Arising Out of PS. Case No.-381 Year-2024 Thana- HASPURA District- Aurangabad

1. Mantu Kumar @ Mantu Chaudhary S/o LATE TIJAN CHAUDHARY R/O VILL-DHUSARI TOLE, KARAN BIGHA, PS-HASPURA, DIST-AURANGABAD
2. Raja Chaudhary S/o Late Badhu Chaudhary R/O VILL-DHUSARI TOLE, KARAN BIGHA, PS-HASPURA, DIST-AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adarsh Singh
For the Opposite Party/s : Ms.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-06-2025 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Haspura P.S. Case No. 381 of 2024 dated 21.12.2024 instituted for the offence under section 191(2), 190, 285, 292, 132, 324(5), 326(f) of the B.N.S. 2023.

3. As per the first information report on 06.12.2024 at about 19:45 p.m. the informant - Sub Inspector of Police got information that a motorcycle has been dashed by a Winger car and in the said accident driver of the motorcycle died and the driver of Winger car fled away from the spot. Upon this information, the informant and other police officials reached at the place of occurrence where they saw a dead body lying on the



road and motorcycle and Winger car standing by the side of the road. The police officials then took steps for sending the dead body for post mortem but suddenly 40-50 persons came and blocked the road keeping dead body on the road which led to traffic jam. The police officials tried to convince them but they became more aggressive and started vandalizing the Winger car and set it on fire. Then the informant asked for deployment of more force from the Police Station and also informed the fire station / department to take steps to douse the fire. The local 'chowkidar' disclosed the name of both the petitioners including other eight accused persons who set the Winger car on fire.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have not committed any offence in the manner alleged. The allegation against the petitioners is general and omnibus in nature. The petitioners were merely members of unlawful assembly but no overt act and / or any specific role in the occurrence is attributed to them. There is an unexplained delay of 15 days in lodging the F.I.R. inasmuch as the occurrence took place on 06.12.2024 whereas the F.I.R. has been lodged on 21.12.2024.

5. I have heard learned counsel for the petitioner and perused the material on record. Learned Additional Sessions Judge-V,



Aurangabad in the order rejecting anticipatory bail has pointed out that the informant in paragraph no. 2 of the case diary has supported the factum of occurrence and the same has also been corroborated by other witnesses in paragraph no. 6 & 7 of the case diary. The petitioner is specifically named in the F.I.R. The petitioners along with the co-accused created unruly scene when the police party arrived to discharge their official duty.

6. Accordingly, I am not inclined to grant the petitioners the privilege of anticipatory bail. This application is accordingly rejected.

7. However, if the petitioner surrenders and seeks regular bail, it is expected that the learned court below shall consider the prayer for bail on merit on the same day without being prejudiced by the fact that the present anticipatory bail application has been rejected by this court.

(Anil Kumar Sinha, J)

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