

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77019 of 2024

Arising Out of PS. Case No.-146 Year-2020 Thana- BUNIYAD GANJ District- Gaya

1. Prahlad Kumar, S/O Late Ramavtar Mahto @ Ramavtar Prasad, R/O Mohalla- Kharkhura, P.S.- Delha, District- Gaya.
2. Mahadev Prasad, S/O Late Ramavtar Mahto @ Ramavtar Prasad, R/O Mohalla- Kharkhura, P.S.- Delha, District- Gaya.
3. Surendra Prasad, S/O Raj Kumar Prasad, R/O Village - Khanjahanpur, P.S.- Buniyadganj ,District - Gaya.
4. Sunil Kumar @ Bhim Kumar, S/O Raj Kumar Prasad R/O Village - Khanjahanpur, P.S.- Buniyadganj ,District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-03-2025 Heard Mr. Krishna Prasad Singh, learned Senior Advocate appearing on behalf of the petitioners and Mr. Ram Sevak Choudhary, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Buniyadganj P.S. Case No. 146 of 2020, registered for the offences punishable under Sections 147, 148, 149, 283, 341, 323, 332, 337, 353, 504, 269 and 270 of the Indian Penal Code and Section 3 of Epidemic Disease Act.

3. Based upon the written report the prosecution



alleged that on an information that public road was obstructed by the villagers by laying a dead body of deceased Alok Kumar on Khanjahanpur Bypass and they were indulged in damaging the public vehicle and assaulting the passerby, the informant alongwith other police officials reached at the place of occurrence and tried to pacify the matter. The villagers noticing the police party also get infuriated and started brick batting, due to which one Havaladar Rambilash Rai, constable Shankar Kumar and Amrendra Kumar sustained injuries. The entire incidence was captured in CCTV footage, whereafter the persons were identified who were found involve in causing obstruction and assaulting the police officials, leading to institution of the FIR.

4. Learned Senior Advocate appearing on behalf of the petitioners referring to the FIR contended that the same has been instituted against 31 named accused persons and 100-120 unknown persons without there being any specific allegation. It is further contended that the petitioner nos. 1 and 2 are the maternal uncle of deceased Alok Kumar, while petitioner nos. 3 and 4 are cousin, hence their presence at the place of occurrence were quite natural. In fact, on account of the petitioners being close relative of the deceased, their names have been implicated



in this case on suspicion. Since the petitioners were not aware of the implication of their names, therefore delay has occurred in approaching the Court. The petitioner nos. 1, 2 and 4 have no criminal antecedent, whereas petitioner no. 3 have one criminal antecedent, but with respect to an offence of trivial nature.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that apart from the fact that the petitioners were evading their arrest, they have actively participated and assaulted the police officials, hence they do not deserve any sympathy.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation against 31 named accused persons and 100-120 unknown persons coupled with the fair antecedent, except petitioner no. 3 who is found to be involved in an offence of trivial nature, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial 1st Class, Gaya in connection with Buniyadganj P.S. Case No. 146 of



2020, subject to the conditions laid down in Section 438(2)
Cr.P.C. with the further condition that one of the bailors shall be
the own/close family members of the petitioners.

(Harish Kumar, J)

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