

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6049 of 2019

Arising Out of PS. Case No.-101 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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1. Navin Kumar Sinha, aged about 34 yearss, Gender Male, S/o Bipin Prasad, Resident of Village - Biratpur, P.S. Town, District Aurangabad
 2. Abhishek Kumar Singh @ Rahul, aged about 32 years, Gender Male, S/o Birendra Singh Resident of Village - Krishna Puri, Shahpur, P.S. Town, District Aurangabad.
 3. Birendra Gupta @ Birendra Kumar, aged about 46 years, Gender-Male, S/O Yamuna Sao, Resident of Village - Biratpur, P.S. Town, District Aurangabad
 4. Munna Yadav @ Munna Kumar Yadav, aged about 23 years, Gender-Male, S/o Ramashish Yadav Resident of Village - Lehada, P.S. Deo, District Aurangabad
 5. Nikhil Kumar Singh @ Nikhil Singh, a ged about 27 years, Gender-Male, S/o Late Mithlesh Singh, Resident of Village - Kama Bigha, P. S. Town, District Aurangabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-02-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 337, 323, 435, 436, 427, 307, 332, 333, 353, 153(A), 295(A), 120(B) and 379 of the Indian Penal Code registered in connection with Aurangabad (Town) P.S. Case No.101 of 2018.

3. It is submitted that the petitioners have been falsely implicated in connection with clash between two communities on the occasion of *Ramanavmi* in which 137 named persons and other unknown have been made accused. The allegation is general and omnibus in nature and no overt act has been attributed individually to



the petitioners. No injury has been sustained by either side. Similarly situated accused persons, namely, Vijay Srivastava, Dheeraj Pandey and Subodh Kumar Pandey have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 29.08.2018 passed in Cr. Misc. N. 49442 of 2018. Five other cases in which the petitioners have been made accused, relate to the same occurrence.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad (Town) P.S. Case No.101 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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