

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16170 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- PHULWARISHARIF District- Patna

1. Shrawan Mahto, Son of Jatan Mahto
2. Gonu Yadav @ Gonu Kumar, Son of Krishna Yadav
3. Bittu, Son of Krishna Yadav
4. Abhi Kumar @ Chhotu, Son of Shrawan Mahto
All Residents of Village - Ranipur, P.S.- Phulwarishraif, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lovekush Kumar
For the Opposite Party/s : Mrs. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 Heard learned Counsels for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307, 506, 124(A), 353, and 427 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report of S.I., Mahesh Singh dated 03.01.2019 submitted to SHO, Phulwarisharif Police Station is to the effect that on 02.01.2019 at about 7.15 P.M, a secret information was received that the fight between the two communities has started. Whereupon, the informant reached at the spot and he saw that both groups were



variously armed and were pelting stones on each other, leading to the registration of FIR against 42 named persons including the petitioners.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against the petitioners and none of the persons have received any grievous injury. It is further submitted that similarly situated co-accused persons, namely, Rajesh kumar@ Rajesh Yadav and Sandip Kumar@ Sandeep Yadav have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 06.03.2019 passed in Cr. Misc. No.13753 of 2019. A statement has been made in paragraph no. 3 of the petition that the petitioner nos.1 to 3 are not having any criminal antecedent, whereas petitioner no.4 is involved in one other case in which he is on bail.

It is submitted by learned APP for the State that the petitioners are named in the FIR.

Considering the accusation to be omnibus and general and similarly situated co-accused already being granted anticipatory bail by a Co-ordinate Bench of this Court, coupled with statement made in paragraph no.3 of the petition that the petitioner nos.1 to 3 are not having any criminal antecedent, whereas petitioner no.4 is involved in one other case in which



he is on bail, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **Sub Judge-XV-cum-ACJM, Patna** in connection with **Phulwarisharif P.S. Case No.06 of 2019**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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