

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52302 of 2019**

Arising Out of PS. Case No.-109 Year-2018 Thana- BHAWANIPUR District- Purnia

1. DEEPAK KUMAR @ VIKKY KUMAR @ VIKKY Son of Umesh Yadav Resident of Village - Shishwa, P.S.- Bhawanipur, District- Purnea
2. Amit Kumar @ Amit Kumar Yadav Son of Yugal Lal Yadav Resident of Village - Shishwa, P.S.- Bhawanipur, District- Purnea
3. Julum Yadav @ Julum Kr Yadav @ Julush Kr Yadav Son of Late Shailendra Yadav Resident of Village - Shishwa, P.S.- Bhawanipur, District- Purnea
4. Pritam Yadav Son of Sadanand Yadav Resident of Village - Shishwa, P.S.- Bhawanipur, District- Purnea
5. Diwana Yadav @ Diwana Kr Yadav Son of Late Shailendra Yadav Resident of Village - Shishwa, P.S.- Bhawanipur, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Satyendra Prasad

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      23-08-2019                      Heard learned Counsel for the petitioners and  
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bhawanipur Police Station Case No. 109 of 2018, disclosing offences under Sections 147/148/149/341/323/342/353/504/506/34 of the Indian Penal /Code.

The allegation against the petitioners, as per the First Information Report lodged by the S.H.O., Bhawanipur Police Station, is that the police party arrested one Upendra Yadav in connection with another case, being Bhawanipur Police Station



Case No. 106 of 2018, and while the police party, along with the said Upendra Yadav, was sitting in the jeep, the petitioners, along with other co-accused persons and about 40-50 unknown persons, assembled there and tried to get the arrested persons freed from the custody of the police and upon being objected by the police party, the petitioners, along with others, attacked the police personnel with lathis and dands, with intention to cause injuries to the police personnel.

Learned Counsel for the petitioners submits that the petitioners have got no criminal antecedent. Referring to paragraph 7 of this application, he submits that the petitioners have got no concern with the alleged occurrence and have no connection with said Upendra Yadav. He further submits that no injury has been caused to any police personnel and the co-accused, Munna Yadav, who has been granted regular bail by this Court, was arrested at the spot by the police; whereas the name of the petitioners had come at the behest of the local chowkidar. He further submits that the allegation against the petitioners and others are general and omnibus and no specific overt act has been alleged against these petitioners.

After having heard learned Counsel for the parties and taking into consideration the fact that the allegation levelled



against the petitioners are general and omnibus and further the petitioners have got no criminal antecedent and are having no connection with said Upendra Yadav, as declared by the petitioners in paragraph 7 of the application, I am inclined to grant the petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Bhawanipur Police Station Case No. 109 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

**(Anil Kumar Sinha, J.)**

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