

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52167 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- BHARGAMA District- Araria

1. SADANAND BHAGAT Son of Domi Bhagat Resident of Village- Hangwa Got, Ward No.15, P.S.- Bhargama, District- Araria
2. Surendra Sharma Son of Kari Sharma Resident of Village- Hangwa Got, Ward No.15, P.S.- Bhargama, District- Araria
3. Upendra Sutihar Son of Bisun Sutihar Resident of Village- Hangwa Got, Ward No.15, P.S.- Bhargama, District- Araria
4. Phunnu Sutihar Son of Upendra Sutihar Resident of Village- Hangwa Got, Ward No.15, P.S.- Bhargama, District- Araria
5. Prakash Sharma @ Prakash Sutihar Sharma Son of Upendra Sharma Resident of Village- Hangwa Got, Ward No.15, P.S.- Bhargama, District- Araria
6. Dilip Modi Son of Umesh Modi Resident of Village- Hangwa Got, Ward No.15, P.S.- Bhargama, District- Araria
7. Umesh Modi Son of Rajaram Modi Resident of Village- Hangwa Got, Ward No.15, P.S.- Bhargama, District- Araria
8. Shankar Bhagat Son of Sadanand Bhagat Resident of Village- Hangwa Got, Ward No.15, P.S.- Bhargama, District- Araria
9. Hira Lal Sutihar Son of Kusum Lal Resident of Village- Hangwa Got, Ward No.15, P.S.- Bhargama, District- Araria
10. Maanti Devi @ Manti Deiv Wife of Raj Mandal Modi Resident of Village- Hangwa Got, Ward No.15, P.S.- Bhargama, District- Araria
11. Kaili Devi Wife of Suchchi Sharma Resident of Village- Hangwa Got, Ward No.15, P.S.- Bhargama, District- Araria
12. Badri Sutihar Son of Domi Sutihar @ Sami Sutihar Resident of Village- Hangwa Got, Ward No.15, P.S.- Bhargama, District- Araria
13. Rajesh Sutihar Son of Badri Sutihar Resident of Village- Hangwa Got, Ward No.15, P.S.- Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA



ORAL ORDER

2 21-08-2019 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bhargama Police Station Case No. 18 of 2019, disclosing offences under Sections 144/147/148/149/152/186/188/342/323/325/307/353/467/468/471/332/333/329/337/504/506 of the Indian Penal /Code.

The allegation against the petitioners, as per the First Information Report, is that the petitioners, along with others, were trying to construct a temple upon a gair mazarua aam land, which was being prevented by the informant and other police persons. It is alleged that 65 named and 400-450 unknown persons assaulted the informant and the police personnel.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case and the allegation against the petitioners are general and omnibus in nature. He further submits that from perusal of the First Information Report, it would be evident that the allegation of assault is upon 65 named accused persons, including the petitioners and 400-450 unknown persons and there is no specific allegation of assault against the petitioners. He also submits that injury caused to the S.D.O. and a constable are



simple in nature and this Court has granted anticipatory bail to the similarly situated co-accused persons by order, dated, 17.08.2019, passed in Criminal Misc. No. 36556 of 2019.

After having heard learned Counsel for the parties and taking into consideration the fact that the allegation against the petitioners is general and omnibus in nature and there is no specific allegation against the petitioners and this Court has granted anticipatory bail to the similarly situated co-accused persons, 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, Araria, in connection with Bhargama Police Station Case No. 18 of 2019, 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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