

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53434 of 2019

Arising Out of PS. Case No.-436 Year-2018 Thana- BUDDHACOLONY District- Patna

1. Deepa Kumari, aged about- 23 years, Female, D/o Shiv jee Sah, R/o village- Dehariya, P.O.- Mahila, P.S.- Itarhi, District- Buxar.
2. Jyoti Kumari, aged about- 20 years, Female, D/o Prabhu Jee Prasad, R/o village- Arak, P.O. and P.S.- Krishnabrahm, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-08-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Budha Colony P.S. Case No. 436 of 2018 registered under sections 147, 148, 149, 188, 341, 342, 323, 324, 325, 307, 326, 332, 333, 337, 338, 353, 427, 449, 450, 451, 452, 461 & 120B of the IPC and ¾ of Damage to Public Property Act.

The allegation against the petitioners is that the petitioners along with other co-accused persons, 167 in numbers, who were named in FIR and other 300 to 400 unknown accused persons armed with lathi, danda, eit etc. entered into the office of the informant, who is the Deputy S.P.



and assaulted him and damaged computer, CCTV camera, furniture etc. It is further alleged that petitioners also damaged private/govt vehicle parked in the premises.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. They are also trainee police constables. Learned counsel further submits that on the date of occurrence i.e. 01.11.2018, the petitioners were sent for special duty for removal of encroachment which would be evident from the Commands, which were issued in favour of the petitioners annexed herewith at Annexure-2. Learned counsel further submits that the allegation against the petitioners are general and omnibus in nature and altogether 7 accused persons along with 300 and 400 unknown persons were allegedly indulged in assault and ransacking the property of the government. Learned counsel further submits that no injury has been brought on record to corroborate the allegation of assault by the petitioners.

After having heard learned counsel for the parties and taking into consideration the fact that the petitioners are young trainee constable and on the date of occurrence they were performing their duties as per their Command order at Annexure-2 and further the allegation against the petitioners are



general and omnibus in nature, I am inclined to grant anticipatory bail to both the petitioners.

Accordingly, both the petitioners, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Patna in connection with Budha Colony P.S. Case No. 436 of 2018 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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