

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54769 of 2019

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

1. PUJA KUMARI, aged about 22 years, Female, D/o Kapildev Prasad Yadav, Resident of Village-Belahitar, P.O.-Sandh, P.S.-Sirdala, District-Nawada, Pin-805127
2. Archana Kumari, aged about 20 years, Female, D/o Nagendra Singh, Resident of Village-Selgadh, P.O.-Saidabad, P.S.-Ranitalab Kanpa, District-Patna, Pin-801104
3. Anamika Kumari, aged about 24 years, Female, D/o Mahendra Singh, Resident of Mohalla-Lakhibagh, Dalmiya Compound, P.O.-Buniyadganj, P.S.-Mufshil, District-Gaya, Pin-823003
4. Kumari Sushmita Sinha, aged about 20 years, Female, D/o Gauri Shankar Prasad, Resident of Village-Salaiya, P.O.-Salaiya, P.S.-Kotihi, District-Gaya, Pin-824210
5. Rani Kumari, aged about 22 years, Female, D/o Shankar Kumar, Resident of Village-Mudheri, P.O.-Mujaffarganj, P.S.-Haveli Kharagpur, District-Munger, Pin-811213
6. Kajal Raj, aged about 22 years, Female. D/o Janardan Bhagat, Resident of Village-Gangalday, P.O. and P.S.-Kahalgaon, District-Bhagalpur
7. Upasana Kumari, aged about 21 years, Female, D/o Krishna Deo Singh, Resident of Village-North Rajendra Nagar, P.S.-Chitragupta Nagar, P.O.-Sanhauli, District-Khagaria
8. Anand Nutan, aged about 22 years, Female, D/o Pradeep Kumar, Resident of Village-Ghuthiyara, P.O.-Pathadda, P.S.-Fullidumar, District-Banka, Pin-813101.
9. Preeti Kumari Yadav @ Priti Kumari, aged about 25 years, Female, D/o Jitendra Yadav, Resident of Village-Masudha, P.O.-Jaijor, P.S.-Andar, District-Siwan, Pin-841231
10. Janki Shakya, aged about 21 years, Female, D/o Awadhesh Singh, Resident of Village-Ekauni, Mahuat, P.S.-Sonhan, District-Kaimur, Pin-821108
11. Asha Kumari, aged about 23 years, Female, D/o Ram Bilash Singh, Resident of Village and P.O.-Rampur Samthu, P.S.-Angar Ghat, District-Samastipur, Pin-848131
12. Sonali Priya, aged about 21 years, Female, D/o Birendra Singh, Resident of Village and Post-Adalpur, P.S.-Jandaha, District-Vaishali, Pin-844126

... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners : Mr. Kumar Rajeev, Adv.

For the Opposite Party : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 30-08-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the state.



The petitioners seek pre-arrest bail in connection with Buddha Colony P.S. Case No. 436 of 2018 for the offences alleged under Sections 147, 148, 149, 188, 341, 342, 323, 324, 325, 307, 326, 332, 333, 337, 338, 353, 427, 449, 450, 451, 452, 461 and 120B of the Indian Penal Code and 3 and 4 of the Damage to Public Property Act.

The accusation is that due to sudden death of a Trainee Constable on 02.11.2018, in course of training, 167 persons, including the petitioners, and 300 to 350 unknown persons started making protest against the lack of proper care by the officials during the treatment of the Trainee Constable and looted the house of the Deputy Superintendent of Police, Training, and vandalized.

The learned counsel for the petitioners submits that while petitioners are not named in the first information report, no specific overt act has been levelled against them, petitioners have no criminal antecedent, except one Buddha Colony P.S. Case No. 435 of 2018, which is instituted regarding the same occurrence. Further, submission is that similarly situated co-accused, Narmata Kumari and 110 named persons in the first information report have already been granted the privilege of pre-arrest bail vide order, dated 26.06.2019, passed in Cr. Misc.



No. 46228 of 2019.

Learned Additional Public Prosecutor for the State
opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the
case, let the petitioners, above named, in the event of
surrender/arrest, within a period of four weeks from today, in
connection with Buddha Colony P.S. Case No. 436 of 2018 shall
be released on pre-arrest bail on furnishing bail bonds of
Rs.10,000/- (rupees ten thousand) each with two sureties of the
like amount each to the satisfaction of the Rajesh Prasad Supta,
Sub Judge XVI-cum-Additional Chief Judicial Magistrate,
Patna, or the successor Court subject to the conditions as laid
down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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