

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69117 of 2019

Arising Out of PS. Case No.-351 Year-2019 Thana- RUPASPUR District- Patna

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1. SARWAN KUMAR (Male), aged about 30 years, Son of Shankar Ravidas,
 2. Guddu Ram (Male) aged about 35 years, Son of Hasni Ram,
 3. Dharmendra Choudhary (Male) aged about 26 years, Son of Late Balkishun Choudhary,
- All are R/O- Village- Sewari Nagar, P.S.- Rupaspur, District- Patna.
At present R.O. petitioner no.1-Rupaspur, Naharpar, Jalalpur, Danapur P.S.-
Danapur Cant (Patna).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners seek bail in a case registered for the
offence punishable under Sections 147, 148, 149, 341, 323, 353,
337, 338, 307, 504, 302 of the Indian Penal Code.

The prosecution case story in brief, is that on getting
information when the informant and others went at the place of
occurrence, he saw that 200-300 persons including the male and
female members, having armed with Lathi-Danda, bricks, stones
and sword were brutally assaulting three persons. On seeing the
police forces, mob became violent and pelting stones on them.



Anyhow, with the help of police forces, three injured persons, who were assaulted, set free from the mob. Thereafter, grievously injured persons Chanda Kumar, Subhash Singh and one unknown persons were sent for treatment to the Hospital. Thereafter, they were arrested 32 persons including the petitioners and rest fled away. During course of treatment, one of them unknown person died. During course of occurrence, police personnel were also injured. So, the accused persons on the basis of rumour child theft brutally assaulted three persons, in which, one of them were died during course of treatment. They also created terror and mob lynching in locality and also used criminal for to deter the public servant from discharging his duty.

Learned counsel for the petitioners submits that the petitioner is in custody since 04.08.2019 and have got no criminal antecedent. The petitioners have falsely been implicated in the present case. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the petitioners. Altogether 38 persons named along with 200-300 unknown are accused in this case. The petitioners are named in the FIR. General omnibus allegation has been made against the petitioners. The co-accused



have already been granted bail by different Benches of this Court vide order dated 23.10.2019 in Cr. Misc. No.59125 of 2019, order dated 07.11.2019 in Cr. Misc. No. 64241 of 2019, order dated 14.11.2019 in Cr. Misc. No. 67002 of 2019 and order dated 20.11.2019 in Cr. Misc. No.66547 of 2019.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Danapur, in connection with Rupaspur, P.S. Case No. 351 of 2019.

(Anjani Kumar Sharan, J)

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