

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14718 of 2020**

Arising Out of PS. Case No.-431 Year-2019 Thana- GOGRI District- Khagaria

1. BITTU KUMAR Son of Khokha Yadav Resident of Village - Gogri, P.S.- Gogri, Distt - Khagaria.
2. Pritam Yadav Son of Khokha Yadav Resident of Village - Gogri, P.S.- Gogri, Distt - Khagaria.
3. Ranjit Kumar Mandal @ Ranjit Mandal Son of Ganesh Mandal Resident of Village - Chandpur Dahgana, P.S.- Gogri, Distt - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Ms.Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 07-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Ms. Rita Verma, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Gogri P.S. Case No. 431 of 2019 registered for the offence punishable under Sections 188, 341, 323, 337, 353 and 504/34 of



the Indian Penal Code.

The case of the prosecution in brief is that on 17.12.2019 at about 13:50 hours, the informant got information that the accused persons of Gogri P.S. Case No. 418 of 2019 along with some other accused persons are making construction over the land in which the Court has passed orders to maintain status quo, hence, in order to avoid any breach of peace, a sanha was lodged and the Senior police officials were informed, whereafter the informant along with other police personnel had proceeded to arrest the accused persons, however, when they had reached at the place of occurrence, they had found the accused persons to have been engaging in construction of roof and upon the accused persons being told not to do so, they had started pelting stones.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and admittedly, a dispute is pending in between the parties, by way of a Title Suit No. 28 of 2013, before



the court of Sub-Judge, Gogri. It is submitted that a general and omnibus allegation has been levelled against the petitioners herein.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that a general and omnibus allegation has been levelled against the petitioners herein and the accused persons of Gogri P.S. Case No. 418 of 2019 have already been granted the privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 23.1.2020 passed in Criminal Miscellaneous No. 4496 of 2020, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on



furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogri P. S. Case No. 431 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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