

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17028 of 2020

Arising Out of PS. Case No.-49 Year-2019 Thana- RAIYAM District- Darbhanga

1. SANJAY JHA @ SANJAY KUMAR JHA Son of Late Suddu Jha @ Chandrasekhar Jha Resident of Village- Balia, P.S.- Sakri, Distt.- Madhubani.
2. Ram Bahadur Yadav Son of Late Mahabir Yadav Resident of Village- Balia, P.S.- Sakri, Distt.- Madhubani.
3. Raj Kumar Mishra Son of Digamber Mishra Resident of Village- Balia, P.S.- Sakri, Distt.- Madhubani.
4. Kunal Yadav Son of Ram Bahadur Yadav Resident of Village- Balia, P.S.- Sakri, Distt.- Madhubani.
5. Surya Mani Son of Sanjay Mahto @ Sanjay Singh Resident of Village- Phulkahi, P.S.- Raiyam, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha
For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-08-2020 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.

Heard the learned counsel for the petitioners the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Raiyam PS case no. 49 of 2019 registered for the offences punishable under Sections 307, 353 and other allied sections of Indian Penal Code.



The allegation is regarding the accused persons including the petitioners herein having formed an unlawful assembly, whereafter they had blocked the road and were protesting against the death of an owner of the petrol pump. Subsequently, the accused persons had gathered near the Raiyam police station, had started pelting stones, had damaged the police vehicle and glass of the windows and had also badly damaged the property of the police station and had also set the police station on fire. It is further alleged that the miscreants were identified with the help of the CCTV footage.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that some of the similarly situated co-accused persons have already been granted bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioners and taking into account the fact that the complicity of the petitioners in the alleged crime is writ large and there is ample material to connect the petitioners with the alleged crime and moreover, the petitioners have been alleged to have committed a serious crime of damaging the property of the



police station, engaged in arson and had set the police station on fire, which is a growing trend and rampant in the recent times, as such is required to be dealt with firm hands, I do not find that the present case is atleast a fit case for grant of anticipatory bail, hence the present petition stands dismissed. As far as the contention of the petitioners regarding some of the co-accused persons having been granted bail, it would suffice to state that firstly, grant of bail to some co-accused persons cannot be urged as a ground for granting bail to the petitioners herein as a matter of right, inasmuch as the power of this Court cannot be fettered to act against it's conscience. Reference in this connection be had to the judgments rendered by the Hon'ble Apex Court, reported in **(2014) 16 SCC 508 (Neeru Yadav vs. State of Uttar Pradesh & Anr.)** as also the one dated 12.03.2001, rendered in the case of **Rakesh Kr. Pandey vs. Munni Singh @ Mata Bux Singh & Anr. (S.L.P. (Crl.) No. 4059 of 2000)**. Secondly, no such order whereby & whereunder co-accused persons have been granted bail, has been produced before this Court.

(Mohit Kumar Shah, J)

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