

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22861 of 2020**

Arising Out of PS. Case No.-150 Year-2019 Thana- BHORE District- Gopalganj

1. GULAB PRASAD @ GULAB KHATIK Son of Jigan Prasad @ Jigan Khatik Resident of Village - Barachap, P.S.- Bhorey, District - Gapalganj.
2. Ranjeet Kumar @ Ranjeet Prasad Son of Arjun Prasad Resident of Village - Barachap, P.S.- Bhorey, District - Gapalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devanand Tiwari, Adv.

For the Opposite Party/s : Mr.Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 30-09-2020 Learned counsel for the petitioners undertakes to remove the defects within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Nand Kumar, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Bhorey P.S. Case No.150/2019 registered for the offences punishable under Sections 341, 323, 307, 353, 324, 379, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that in the First Information Report lodged by the S.H.O. of Bhorey police station campus it is alleged that while the informant along with members of the police force had gone to the place of occurrence on getting a report that a person has been killed in an accident, a large



number of local persons assembled there started slogan shouting and abused against the police and while the police was trying to prepare the panchnama, those assembled here started snatching the rifle of the police force and also indulged in throwing stones and bricks. It is alleged that one sub-inspector of police was assaulted on his head by members of the mob and he suffered head injury. Somebody from the mob took out the mobile phone and Rs.2,000/- in cash from the pocket of said A.S.I. Sanjay Kumar Singh.

Learned counsel submits that later on, on the basis of the alleged photographs and identification of the chowkidar, altogether 39 persons along with 200-250 unknown persons have been named in the FIR, but no specific allegation has been made against the petitioners. It is not the prosecution case that these petitioners have been found indulged in stone throwing or on assault. Learned counsel has also referred the orders of the learned coordinate Bench passed in Cr.Misc.No.61424/2019 and Cr.Misc.No.83734/2019 by which similarly situated co-accused have been granted privilege of anticipatory bail.

Although, learned APP for the State has opposed the prayer for anticipatory bail of the petitioners, but upon noticing the kind of FIR in which there is no specific allegation against the petitioner and the co-accused have been granted privilege of anticipatory bail, let the petitioners abovenamed in the event of their arrest or surrender within four weeks from today, be released on bail



on furnishing of bail bond of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Bhorey P.S. Case No.150/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

