

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24724 of 2020

Arising Out of PS. Case No.-266 Year-2019 Thana- PIRPAINTI District- Bhagalpur

1. LALTU RAY @ LALTU ROY Son of Ramashish Roy Resident of Village- Bakharpur Purvi, P.S.- Pirpanti (Bakharpur), District- Bhagalpur.
2. Bikash Tiwari @ Vikash Kumar Son of Kishun Tiwari Resident of Village- Bakharpur Purvi, P.S.- Pirpanti (Bakharpur), District- Bhagalpur.
3. Lal @ Lal Tiwari @ Dipankar Tiwari Son of Tarak Nath Tiwari Resident of Village- Bakharpur Purvi, P.S.- Pirpanti (Bakharpur), District- Bhagalpur.
4. Hira @ Hira Thakur @ Niranjana Thakur Son of Kamlesh Thakur @ Ram Badan Thakur Resident of Village- Bakharpur Purvi, P.S.- Pirpanti (Bakharpur), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Avinash Chandra, Adv.
		Mr. Shivjee Pandey, Adv.
For the Opposite Party/s :		Mr. Aatur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-12-2020 Heard learned counsel for the petitioners and learned
APP for the State, through video conferencing.

The application of petitioner no. 3 has been dismissed
as withdrawn by order dated 15.10.2020 on account of his
arrest.

The instant application for anticipatory bail has been
filed by the petitioner nos. 1, 2 and 4 apprehending their arrest
in connection with Pirpanti (Bakharpur) P.S. Case No. 266 of
2019, registered under sections 323, 341, 147, 149, 353, 427,
504 and 506 of the Indian Penal Code.



As per allegation in the FIR, it is stated by the informant that on receiving information that a known criminal namely, Basuki Thakur alongwith his associates had assembled near the house of Anil Tiwari and was making preparation to give effect to an occurrence, it is stated that the informant along with other police personnel reached there. Thereafter, the petitioner alongwith 10-15 other unknown persons encircled the police, started to protest and attacked the police personnel and their vehicle. The police personnel sustained injury and had to back out.

It is submitted by learned counsel for the petitioners that no occurrence as alleged in the FIR has taken place. The petitioners have been falsely implicated in the case. It is stated that the falsity of the occurrence would be evident from the fact that while five named and 10-15 unknown persons are stated to have assaulted the police personnel and caused injuries, only one police personnel has been found to be injured and he too has sustained some minor injuries, which are simple in nature. The petitioners have no criminal antecedent. The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the



petitioners, the Court is inclined to enlarge the petitioner nos. 1, 2 and 4 on bail. The petitioner nos. 1, 2 and 4 are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Pirpainti (Bakharpur) P.S. Case No. 266 of 2019, they will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XI, Bhagalpur subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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