

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28911 of 2020

Arising Out of PS. Case No.-137 Year-2019 Thana- GORIAKOTHI District- Siwan

1. UMESH KUMAR SAH AND ORS Son of Shambhu Sah Resident of Village-Laghi, Police Station-Goreyakothi, District-Siwan
2. Akhileshwar Prasad Son of Satyanarayan Prasad Resident of Village-Sadipur Khan Tola, Police Station-Goreyakothi, District-Siwan
3. Amarjeet Kumar Son of Shardanand Bhagat Resident of Village-Sadipur Khan Tola, Police Station-Goreyakothi, District-Siwan.
4. Shiv Mohan Tiwari Son of Birendra Tiwari @ Khedru Tiwari Resident of Village-Sarari, Police Station-Goreyakothi, District-Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Ashok Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-12-2020 Heard Mr. Ajay Kumar Tiwary, learned counsel for the petitioners and Mr. Ashok Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Goreakothi P.S. Case No. 137 of 2019 registered for the offences punishable under Sections 147, 149, 342, 323, 307, 427, 337, 338, 188, 290 and 353 of the Indian Penal Code, 1860.

The allegation as per the First Information Report is that the informant who is the Police Officer received an information that some of the persons in protest of the road



accident, blocked the road and when the Police reached there and tried to remove the blockage, the petitioners along with 500 unknown persons got aggressive and started pelting stone upon the Police Party, due to which, SHO received injury along with other police force.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and there is general and omnibus allegation against 19 co-accused persons including petitioners as well as 500 unknown persons. Learned counsel further submits that similarly situated co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. 24638 of 2020. Learned counsel also submits that some of the named co-accused persons have been granted bail by the learned court below itself.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above



named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Siwan, in connection with Goreakothi P.S. Case No. 137 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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