

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75271 of 2019

Arising Out of PS. Case No.-538 Year-2018 Thana- BIKRAMGANJ District- Rohtas

1. Bala Musahar Son of Nagbansi Musahar Resident of Village - Gopalpur, P.S.- Bikramganj, Dist.- Rohtas.
2. Sharma Musahar Son of Late Shiv Mohar Musahar Resident of Village - Gopalpur, P.S.- Bikramganj, Dist.- Rohtas.
3. Kamta Musahar Son of Late Ramadhar Musahar Resident of Village - Gopalpur, P.S.- Bikramganj, Dist.- Rohtas.
4. Manoj Musahar Son of Sharma Musahar Resident of Village - Gopalpur, P.S.- Bikramganj, Dist.- Rohtas.
5. Tonda Musahar Son of Late Shiv Mohar Musahar Resident of Village - Gopalpur, P.S.- Bikramganj, Dist.- Rohtas.
6. Sipahi Musahar Son of Mallu Musahar Resident of Village - Gopalpur, P.S.- Bikramganj, Dist.- Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 13-02-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Bikramganj P.S. Case No. 538 of 2018 registered for the offence punishable under sections 147, 148, 149, 323, 325, 332, 333, 307 and 353 of the Indian Penal Code.

As per allegation made in the F.I.R., on receiving



information of illegal sale of liquor, when the police party went to enquire into the same, it is stated that 16 named accused persons including six petitioners herein as also around 25-30 unknown persons started brick-batting and prevented the police party from performing their duty. It is further stated that the petitioners along with others were identified in the light of searchlight.

It is submitted by learned counsel for the petitioners that from perusal of the FIR, it would transpire that the allegations are general and omnibus in nature. The mode of identification of the petitioners also do not inspire confidence. The allegations are false and concocted and no incriminating article has been recovered either from the person or possession of the petitioners. The petitioners have no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the nature of allegations as also the fact that the petitioners have no criminal antecedent and no incriminating article was recovered from their possession, this Court is inclined to grant anticipatory bail to the petitioners and they are directed to surrender in the court below within a period of six weeks from today. In the event of their arrest or surrender, the six petitioners will be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bikramganj, Rohtas in connection with Bikramganj P.S. Case No. 538 of 2018, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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